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PLANNED UNIT DEVELOPMENT AGREEMENT

(LATSON ROAD)

This **Planned Unit Development Agreement** (the “Agreement”) is made as of the 30th day of September, 2020 (the “Effective Date”), by and between Latson Partners, LLC, Latson Farms, LLC and Covenant of Faith, LLC (collectively, the “Developer”), whose address is 326 E. Fourth Street, Suite 200, Royal Oak, Michigan 48067, on the one hand, and the Charter Township of Genoa (the “Township”), whose address is 2911 Dorr Road, Brighton, Michigan 48116, on the other hand.

RECITATIONS

A. Developer is the owner of approximately 200 acres of land located on the west and east sides of Latson Road, south of the I-96 expressway, as legally described on **Exhibit 1** attached hereto (the “Property”). The Property is more particularly described as follows: (1) tax identification nos. 4711-08-400-004, 4711-08-400-006, 4711-08-400-012 through -015, 4711-08-400-020 and 4711-08-400-031, owned by Latson Properties; (2) tax identification no. 4711-09-300-001 owned by Covenant of Faith; and (3) tax identification no, 4711-17-200-008 owned by Latson Farms.

B. The Latson Road/I-96 interchange was completed in approximately 2013. This new interchange provided the Township with the opportunity to create a new development

district for coordinated, well-planned, large-scale mixed-use business, light industrial, high tech, office, commercial uses and related development, as described in, among other things, the Township's 2013 Master Plan Update. While all of the Property is currently zoned CE (or Country Estate) under the Township's Zoning Ordinance, the Master Plan designates most of the Property for development as a new Campus Planned Unit Development (or "CAPUD") and the remainder of the Property (defined below as the North Area) for development as an Interchange Commercial Planned Unit Development (or "ICPUD"). The intent of both the CAPUD and ICPUD districts is to promote comprehensive and long-term planning of appropriate land uses, innovative architectural design, high quality building materials and updated access management strategies with a walkable environment for pedestrians.

C. The Property consists of approximately one-half of the land designated as CAPUD in Article 10 of the Zoning Ordinance. Having one Developer in control of such a large portion of the CAPUD project area, provides the community with a unique opportunity to plan and coordinate the long-term development, uses and interrelationship of the uses for the benefit of the Township and its residents.

D. In order to carry out a proposed long-term development plan of research, office, light industrial, high tech, commercial and other business development, with consistent high-quality design standards, natural resource preservation, public amenities and improvements and inter-connectivity of land uses, Developer submitted a request to rezone the land located in the West Area and East Area defined below to CAPUD and the land in the North Area defined below to ICPUD (the "Project," also known as "Innovation Park"), in accordance with Article 10

of the Zoning Ordinance, the Michigan Zoning Enabling Act, MCL 125.3101 et. seq., and subject to the terms and conditions of this Agreement.

E. The Township Planning Commission reviewed the rezoning request, the Conceptual PUD Site Plan and Impact Statement and conducted a public hearing as required under the Zoning Ordinance at its meeting held on June 11, 2020, and unanimously recommended approval of the Project to the Township Board and Livingston County Planning Commission as satisfying the requirements of the review standards set forth in the Zoning Ordinance.

F. At its meeting held on July 15, 2020, the Livingston County Planning Commission considered the Project and unanimously recommended approval of same to the Township Board.

G. At its regular meeting held on August 3, 2020, the Township Board conducted another public hearing on the Project and after finding that the rezoning and Conceptual PUD Site Plan satisfies the standards and objectives of the Zoning Ordinance and Master Plan, approved the PUD rezoning, the Conceptual PUD Site Plan and execution of this PUD Agreement, as reflected in the minutes of said meeting attached hereto as **Exhibit 2**, subject to the conditions of this Agreement and other conditions reflected in the meeting minutes, including, among other things, the public road and landscaping improvements, preservation of natural resources, installation of public amenities, inclusion of pathways and landscaped gathering areas, public utility improvements and dedication of land for future expansion of Latson Road.

NOW, THEREFORE, in consideration of the foregoing premises, which the Township and Developer represent to be true and accurate, and which shall be incorporated into the parties' obligations set forth herein, the parties intending to be legally bound by this Agreement, agree as follows:

1. **Designation of Development Areas.** The Project shall be divided into three development areas as follow—(a) the approximate 177 acres located on the west side of Latson Road as depicted on the Project Area Plan shall be designated as the “West Area” or “High Tech/Light Industrial Area” and is now zoned CAPUD; (b) the approximate 10 acres located on the east side of Latson Road as depicted on the Project Area Plan shall be designated as the “East Area” or the “Accessory Commercial Area” and is now zoned CAPUD; and (c) the approximate 6 acres located on the east side of Latson Road and north of the railroad tracks as depicted on the Area Plan shall be designated the “North Area” and is now zoned ICPUD.

2. **Conceptual PUD Plan.** The Plan attached hereto as **Exhibit 3** is hereby approved by the Township as the PUD plan for the Project (the “PUD Plan”). The PUD Plan is conceptual and illustrative in nature and depicts the general nature and interrelationship of uses in the development areas. The specific size and nature of any particular building or use and the relationship of such uses and buildings to each other within the development areas will be subject to revisions based on the specific uses and businesses that may be attracted to the development areas over time.

3. **Permitted Uses.** Notwithstanding anything contained in the Zoning Ordinance to the contrary, but subject to all of the terms and conditions of this Agreement and Exhibits hereto:

a. The High-Tech/Light Industrial Area or West Area may be developed for any of the uses or combination of uses set forth in **Exhibit 4** hereto, including for high tech research and development, light industrial, office, hotel and any combination of such uses and accessory uses;

b. The Accessory Commercial Area or East Area, which consists of approximately 5% of the total Project area, may be developed for any of the uses or combination of uses set forth in **Exhibit 5** hereto, including for a hotel, restaurant, retail uses and a gas station with accessory retail and food services, with the proviso that no more than one gas station, which shall not be a truck stop, shall be developed on the entirety of the Project Area. This Accessory Commercial Area is intended to provide, among other things, commercial services to the much larger High-Tech, Light Industrial Area located on the west side of Latson Road, as well as existing and planned residential areas south of I-96; and

c. Subject to first obtaining approval from the Genoa Charter Township Planning Commission, the portion of the North Area situated north of Beck Road may be used for the erection of a stand-alone project sign as discussed in paragraph 7 below for the entire development of sufficient height to be visible from I-96, which shall include a reference to Genoa Charter Township and its official logo. The remainder of the North Area may also be developed, either separately or in combination with adjacent properties that may be acquired by Developer at a later date, for uses authorized in the ICPUD provisions of the Zoning Ordinance. Any future use and development of the North Area south of Beck Road, including if combined with other adjacent property, shall be accomplished, at the

discretion of the Developer, either as an amendment to this Agreement or through a separate PUD agreement subject to Township approval.

d. Through its review of the PUD application materials and the public hearings and meetings held in connection therewith, the Township Board has determined that any of the uses designated as “P” (or Permitted) contained in **Exhibits 4 and 5** are specifically approved herein as Permitted uses. It is further agreed that any use permitted as of right for the High-Tech/Light Industrial Area as set forth in **Exhibit 4** includes a building up to 200,000 square feet on the first floor of the building as a Permitted use without the requirement of obtaining a special land use approval.

4. **Hotel in East and/or West Area.** A hotel in the East and/or West Area is a permitted use but is limited in height to 4 stories. If a hotel is located more than 500 feet from a residential structure, the hotel may be a maximum of 5 stories as a special land use.

5. **Special Land Uses.** Any of the uses designated as “SLU” (or Special Land Use) contained in **Exhibits 4 and 5**, or any uses similar to or compatible with other special uses not specifically listed in the CAPUD and/or ICPUD districts, as applicable to the Property, such uses may be permitted upon determination of the Township Board following a recommendation by the Planning Commission as required by Township ordinance 10.03.06 (c) in effect as of August 2018, and shall be subject to all of the terms and conditions of this Agreement. A building in excess of 200,000 square feet on the first floor shall be treated as a special land use and shall require special land use approval from the Township under the provisions of the Zoning Ordinance. The parties recognize that all potential future uses may not be listed in the Township Zoning Ordinance or on **Exhibits 4 and 5** as permitted or special uses, and therefore a non-listed use is subject to consideration pursuant to and in compliance with § 10.03.06 (c) (2) (c) of the

Zoning Ordinance in effect at the time of executing this Agreement. Excerpts from the Zoning Ordinance are attached hereto as **Exhibit 12**.

6. **Prohibited Uses.** The land uses identified in **Exhibit 6** hereto are prohibited from being located within the Project Area.

7. **Project Gateway and Area Entry Signage.** A concept plan for a Project gateway sign to be located north of Beck Road in the North Area is attached as **Exhibit 7** hereto. The final Project gateway sign shall be subject to Planning Commission review and shall be approved if it contains the same quality and nature of materials and contains the Genoa Township gateway messaging in the same general character and design shown in **Exhibit 7**, and is otherwise in compliance with all applicable Federal, State and County laws. In addition, Developer shall be permitted to install a Project sign at each entrance to any part of the Project Area. A detailed signage plan for each Area of the Project shall be submitted with the first application for site plan approval for each such Development Area.

8. **Development Standards.** The Project is intended to be a focal point of interchange oriented high-tech, office, light industrial, commercial and other business activity in the community and to attract various high tech, office, light industrial and commercial businesses that would take advantage of synergy of location and the expressway access and desire to be a part of a high quality, integrated business development plan. Individual buildings and site amenities and landscaping are intended to be of high quality and design and include diverse building materials. All development within the Project Area shall adhere to the PUD Design Guidelines set forth in the **Exhibit 8** hereto. No single building may be in excess of 200,000 square feet on the first floor except that the Township Board may grant special land use approval for a larger building as previously provided.

9. **Latson Road Frontage and Highway Visibility Zone.** The facades of the sides of all buildings fronting along Latson Road on both the East and West Areas shall incorporate materials of enhanced durability, including combinations of brick, stone, glass, pre-cast concrete, metal panels, brick and flush metal panels and other equally durable and attractive materials as illustrated by the example facades in the PUD Design Guidelines. Additional screening and landscaping requirements and upgraded building materials as described on page 8 of the PUD Design Guidelines shall apply to each portion of a building that is both within the Highway Visibility Zone depicted on the PUD Plan and visible from I-96.

10. **Future Road Improvements.** In addition to comprehensive traffic studies undertaken in connection with the development of the Latson Road/I-96 interchange, the Developer prepared an additional traffic impact study in connection with the Project, which has been accepted by the Township and the Livingston County Road Commission (“Road Commission”). The Developer will undertake certain road improvements to Latson Road at the intersections to the Project Area as described in the traffic impact study prepared by Fleis & Vanderbrink dated September 13, 2019, as supplemented by a memo dated November 17, 2019, which may include the installation of a traffic signal at the north access point to the Project Areas. The timing of installation of road improvements shall be determined and assessed by the Road Commission in connection with updated traffic impact assessments submitted in connection with future final site plans for building construction in the Project Areas. While the PUD Plan calls for the construction of a southern access to the West Area to be offset from Sweet Road, the Developer agrees to modify the PUD Plan to install an access aligned with Sweet Road if approved by the Road Commission provided that the Road Commission or the Township obtains all rights-of-way and/or easements necessary for achieving such road

alignment. Any future road development will provide for internal interconnectivity for each phase of the Project.

11. **Latson Road Greenbelt.** As part of the development of any initial building phase in the West Area, Developer shall install the Latson Road Streetscape Improvements as depicted on the PUD Plan and in the PUD Design Guidelines along the Developer's entire property frontage on the west side of Latson. As part of the development of any initial phase in the East Area, Developer shall install the Latson Road Streetscape Improvements as depicted on the PUD Plan and in the PUD Design Guidelines along the Developer's entire property frontage on the east side of Latson.

12. **Dedication of Land for Road Right of Way and Future Expansion of Latson Road.** The Developer's land currently extends to the center line of Latson Road. In connection with the submission of an application for site plan approval for the first phase of any development within the Project Area, Developer shall dedicate to Livingston County Road Commission or Genoa Charter Township a strip of land sixty (60') feet in width from the center line of Latson Road along the frontage of all of the Developer's Property on Latson Road (or approximately 3.8 acres of land), without compensation from the Township or the County Road Commission. This dedication could accommodate the future widening of Latson Road to 5 lanes along with a small median. The dedication shall be subject to Developer's right to include Project signage and landscaping within the dedicated right-of-way until such time as it is used for any widening of Latson Road, at which time such signage will be relocated at Developer's expense and must comply with State, County and local law. In the event that the Road Commission should ever determine to (a) improve Latson Road adjacent to the Property, such as by widening the road with or without a median, installation of street lighting and/or (b) install a

traffic signal at or near the intersection of Latson and Sweet Road (collectively “Future Road Improvements”), Developer agrees to participate in a special assessment district, or other mechanism mutually agreed upon by the parties, to pay its pro rata share of the costs of the Future Road Improvements along the frontage of Developer’s Property on Latson Road and for the ongoing maintenance of the landscaping, traffic signal, lighting and other improvements (i.e. walkways) in the right-of-way or within the medians, if constructed. This Agreement constitutes the Developer’s approval of including its Property within a special assessment district and approval of the purpose of the assessments, but Developer retains the right to object to or challenge the pro rata allocation of costs among benefitted properties to pay for the Future Road Improvements and ongoing maintenance of the Improvements as permitted and in compliance with State law. The Developer’s obligations hereunder shall be reflected in any condominium or other association agreement and shall run with the land.

13. **Project Amenities.** The Developer agrees to preserve natural features on the Property and install various Project amenities as conceptually described in the Open Space and Amenity Plan attached as **Exhibit 9**. The Project amenities shall include:

a. Preservation of approximately 27 acres of wooded/wetlands, with approximately up to 1000 feet of frontage along Latson Road, in the West Area of the Project.

b. Detention Ponds with open space amenities on approximately 6 acres of uplands and wooded/wetlands in the southwest corner of the West Area and incorporation of same into the stormwater management plan.

c. Walking and biking pathways will be installed throughout the Project Area and will provide interconnectivity to the various buildings within the development and access to the preserved natural features and the Latson Road pathway system.

d. A pathway within the Latson Road right-of-way (to be dedicated to the County as described above) shall be installed in all Project Area locations abutting Latson Road.

e. Buffers from natural features and adjacent residential areas or structures shall be installed as conceptually depicted on the Open Space and Amenity Plan.

f. Landscaped rest or gathering areas (or pocket parks) with benches, bike racks, bike air and repair stations will be installed in appropriate locations as conceptually depicted in the Open Space and Amenity Plan.

g. Attractive and landscaped site entrance features at the intersection of Latson Road and the interior access roads to the Project Areas. Decorative light fixtures at the Project entrances off of Latson Road shall be included as part of the site entrance features.

h. A marked pedestrian connection across Latson Road at the north entrance roads tying the West and East Areas together shall include an attractive pedestrian crossing, with materials such as stamped concrete used to designate the pedestrian crossing and pedestrian actuated crossing signals.

i. Dedication of approximately 3.8 acres of land as right-of-way for Latson Road.

j. The Pump Station anticipated to serve the Project shall be screened by landscaping, to be installed at the Developer's expense, which is compatible and

consistent with the landscaping plans for Latson Road frontage development within the Project. Developer shall also preserve surrounding trees and natural area to the extent it can reasonably do so in order to further screen the Pump Station. Any walls visible from a public or private road associated with a building or structure installed to house equipment shall be compatible with the character of the Project and shall consist of attractive high quality materials similar to those provided in the design standards in Exhibit 8 for buildings. All building and landscaping plans for the Pump Station shall be submitted in advance to the Township for Planning Commission review and approval.

The Open Space and Amenity Plan is conceptual as to the precise nature and location of amenities, which will be later finalized and approved as part of the final site plan approval for the phases of the Development. But it is understood and agreed by the parties that amenities of the nature and scope of what is conceptually shown in the Open Space and Amenity Plan are integral to the approval of the PUD and are required for final site plan approval. The specific amenities may be installed over time in phases to correspond to the phases of development proposed for site plan approval by the Developer.

14. **Off-Site Public Utilities.** The Project will be served by public sewer and water. The Township, through its consulting engineers, TetraTech, has developed a South Latson Road Water and Sanitary Sewer Improvement Plan (the "Utility Plan") in order to extend public sewer and water to serve the new Interchange Planned Unit Development districts described in the Zoning Ordinance, and which districts include the Property. Developer is working with the Township on the planning, engineering and construction of sewer and water service extensions from north of I-96 from Grand Oaks Drive and Kohl's to points south of the railroad tracks

abutting the Property as depicted on **Exhibit 10** (the “Utility Project”). The Developer will pay the cost of such off-site Utility improvements, plus up to an additional \$10,000 for easement acquisition (the “Payment”). The Developer agrees to undertake the construction and serve as construction manager for the Utility Project in accordance with the terms and conditions of a construction agreement in the form attached hereto as **Exhibit 11**. The Developer shall undertake and complete the construction of the Utility Project, which shall conform to the Utility Plan as developed by Tetra Tech in conjunction with the Township. Construction of the utilities, which will ultimately be owned and operated by the Genoa-Oceola Sewer and Water Authority (G-O) and the Marion, Howell, Oceola, and Genoa Sewer and Water Authority (MHOG) shall be constructed in conformance with the Authority’s Engineering Design Standards and Connection Manual, including inspection and testing of the utilities. Further extension of utilities by the Developer onto the Property, either through the Property or in the public road rights-of-way, shall be constructed in phases consistent with the final site plans for each such phase to be submitted by the Developer and approved by the Township.

15. **Permits and Insurance.** The Developer shall be responsible for obtaining all required permits, including but not necessarily limited to, MDOT, CSX Railway, Wetland, and Livingston County Road Commission permits. Michigan Department of Environment, Great Lakes and Energy (EGLE) construction permits have been obtained by the Authorities. The Developer and Contractor shall list the Township, MHOG, and GO as additionally insured parties on its insurance policies and shall provide a certificate of insurance to the Township, MHOG and GO prior to the start of and keep the insurance enforce during construction of the utilities.

16. **Time to Complete Off-Site Utilities; Tap Fees.** The parties agree that the expansion of the Utilities as described above shall be completed within the time set forth in the Utility Construction Agreement attached as **Exhibit 11**. The time period may be extended by the Township or the Developer in the case of unforeseen circumstances. The Utility Plan provides for 647 residential equivalent units (REU) to serve the Project. The Township agrees to reserve such capacity for the Project so long as this Agreement remains in effect. If requested by Developer, REUs reserved for one part of the Property may be used for development of another part. If Developer acquires any expansion area as described further below, Developer shall be entitled to any REUs allocated to such expansion area. In consideration of, among other things, the Payment, for a period of ten (10) years following the Township's grant of final site plan and final engineering plan approval for the first phase of any development in the Project, Developer shall be entitled to a sewer and tap fee in the amount of \$4,947 per REU for sewer taps and \$4,770 per REU for water taps. Thereafter, the cost of sewer and water taps shall be the ordinary fee in effect at the time such additional water and sewer taps are requested.

17. **Perimeter and Internal Building Setbacks; Height Limitations.** All setback and height standards are set forth in the PUD Design Guidelines and, regardless of any deviation of the PUD Design Guidelines from any existing or future Zoning Ordinance standard or requirement, the PUD Design Guidelines shall govern and apply to the development of the Project. Variances from such PUD Design Guidelines in connection with the final site planning and engineering for any building or group of buildings may be requested by the Developer and may be granted in the exercise of reasonable discretion by the Township Board upon recommendation of the Planning Commission and upon a showing that such variances will result

in a development consistent with the terms of this Agreement, the Exhibits hereto and the CAPUD Zoning District and, to the extent applicable, the ICPUD Zoning District.

18. **Final Site Plan/Project Phasing.** The Project, including without limitation, Project roadways, amenities and on-site utilities associated with each phase, may proceed in multiple phases, with any phase being a single building or multiple buildings (a “Phase”), and multiple phases may proceed at the same time (for example, separate building projects may occur in the High Tech/Light Industrial Area while a building is being constructed in the Accessory Commercial Area). However, no building shall commence construction in the Accessory Commercial Area until at least one building is under construction and proceeded substantially towards completion in the High/Tech Light Industrial Area. It is the intent that the Project will be established as one or more business/commercial condominiums. Condominium units or sites may be leased by Developer or sold to other parties, including end-user businesses. Any site or unit leased, sold or developed shall be subject to the terms and conditions of this Agreement, which shall run with the land as described below, and will be subject to condominium documents and/or an agreement regarding covenants, easements and restrictions, in forms approved by the Township for consistency with this Agreement and applicable Township ordinances. The Township shall review such condominium or covenant agreements, and shall approve them to the extent they are consistent with the terms and conditions of this Agreement and other applicable Township ordinances. Any final site plan for a building or phase within the Development shall contain the information required in Article 10.08.02 of the Zoning Ordinance (included in **Exhibit 12**), and such final site plan shall be approved if it is consistent with the terms of this Agreement and satisfies other ordinance requirements. In the

event of any conflict between the terms of this Agreement and Exhibits hereto and any current or future ordinance provision of the Township, this Agreement and Exhibits hereto shall control.

19. **Maintenance Obligations.** The internal roads, signage, pedestrian amenities, lighting, entry features, storm drainage, sidewalks, landscaping and other common elements installed within the development areas shall be maintained by the Developer until a condominium or other property owners' association takes over such maintenance responsibilities in accordance with the condominium or association agreements. Upon assumption of the association's responsibility of such maintenance, the Developer shall have no further obligation hereunder with respect to maintenance of the common improvements. Separate associations may be established with respect to the maintenance and repair of the common elements for each Project Area. The maintenance of any roads, signage, pedestrian amenities, lighting, entry features, storm drainage, sidewalks, landscaping and other elements installed within the development area not assumed by a condominium or other property owner's association remain the obligation of the Developer.

20. **Timing of Development.** Because of the size, scope and diversity of the proposed Project, the parties understand that this will be a long-term development and that the PUD Plan shall operate in effect as a master future land use plan for the Project and agree that the following time periods shall apply to the Development:

- a. **Expiration of PUD Agreement** – PUD Agreement shall expire in 7 years if no private roads or buildings in connection with an approved final site plan for a first phase of the Development are constructed to completion unless extended by the Township Board following a recommendation by the Planning Commission.

b. **Expiration of Site Plans** – Individual site plans as required by Township Ordinance for structures and/or private roads and related infrastructure for each phase of the Development are valid for a period of 3 years after final approval. The approved site plan must be constructed to completion within the 3 years following final approval; otherwise the approval for that site plan is null and void unless an extension is granted by the Township Board following a recommendation by the Planning Commission.

c. **Subsequent Site Plan Approval** – The purpose of paragraph 20 c is to address the concerns of the developer getting additional site plans approved for properties the developer still owns. The developer envisions selling parcels of land to others, and desires to avoid delay in having new site plans reviewed and approved because of delays or problems that exist with site plans for parcels the developer no longer owns. The intent of paragraph 20 c, is that the developer is required to make substantial progress on site plans that the developer owns at the time the new site plans are submitted, but any delay or difficulties with site plans for property the developer does not own will not impact the review and approval process for the new site plans. The Township shall only be required to approve subsequent final site plans within a Development Area provided that the previously approved site plans within that same Development Area of which the Developer still has an ownership interest in the property which is the subject of those previously issued site plans has made substantial progress in the development and construction identified in those site plans unless the developer makes a showing of good cause for not having made such progress and otherwise complies with this Agreement and state and local laws. The term substantial progress is defined to include carrying out the terms of the final site plan, such as obtaining the necessary engineering approvals and

permits for construction and, when permits have been issued, the actual physical construction or development of the required improvements identified in the site plan such as roads, utilities, landscaping, pathways, storm water and other amenities associated with the site plan as well as the construction of a building identified in the site plan, if applicable, are being undertaken and that the pace of such engineering and permit approvals and, if applicable, ongoing construction demonstrates that it shall be substantially completed prior to the expiration of the site plan unless extended as provided in paragraph 20(b) above. The developer shall have a vested right with respect to the future development identified in such site plans provided that substantial progress has been made in the preceding 24 months, unless extended by mutual agreement of the parties. For purposes of this Agreement, a showing of good cause for an extension of time includes a showing of lack of market demand due to economic recession or other conditions, despite good faith and reasonable efforts by the Developer to market such units or sites within the Project areas. Furthermore, if at the time of submission of a new site plan application, the Developer does not have an ownership interest in the property which is the subject of the previously issued site plans, the Developer commits to assist the Township to ensure the previously issued site plans have made substantial progress in the development and construction identified in the non-owned site plans. Nothing in this paragraph is intended to preclude Developer from pursuing multiple site plans at the same time.

21. **Termination or Expiration of PUD Plan.** In the event this Agreement expires or terminates for any reason, the rezoning classification identified in paragraphs E, F and G of the Recitations shall remain, and any change in the zoning must be by application to the

Township and fully compliant with the laws of the State of Michigan. The expiration or termination of this Agreement for any reason does not result in the zoning reverting to its previous classification of Country Estates. In the event the PUD Plan has expired for lack of progress as described above, the expiration shall only apply to the undeveloped areas of the Project. Developer may at any time after expiration of the PUD Plan submit and pursue a new PUD Plan for the remaining undeveloped areas of the Project in accordance with the procedural requirements of the Zoning Ordinance in effect at the time of submission.

22. **Addition of Other Property.** The Master Plan and Zoning Ordinance contemplate the future expansion of the Latson Road/I-96 planned area to land located south of the Property for transitional land uses. If Developer acquires or enters into agreements to acquire any such lands to the south of its Property and submits a concept plan and request to amend this Agreement to extend the Project to include such expansion lands, the parties agree to work together to amend this Agreement in the exercise of reasonable discretion and enter into an amendment of this Agreement to reflect any mutual agreement on the nature and scope of such development, which may include an expansion of the permitted CAPUD uses or other transitional land uses approved by the Township. In addition, the North Area may be expanded to include adjacent properties located east of Latson and north of the railroad tracks which are acquired by or under control of Developer. Such expansion may, at Developer's discretion, be reflected in a revised North Area concept plan which will be adopted as an amendment to this Agreement or may be pursued as a separate PUD provided that the Developer shall comply with the terms of this Agreement and Township Ordinance that are in effect to the extent such Ordinances are not inconsistent with this Agreement.

23. **Agreement Consistent With Police Powers.** The action of the Township in entering into this Agreement is based upon the understanding that many of the land use, design and environmental objectives of the Township are reflected in the design of the development as proposed and the Township is thus achieving its police power objectives and has not, by this Agreement, bargained away or otherwise compromised any of its police power objectives.

24. **Entire Agreement.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the Township and the Developer concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

25. **Relationship Of The Parties.** The relationship of the Township and the Developer shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the Township and the Developer, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

26. **Modification.** Except as provided below, this Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the Township and the Developer, its successors and assigns. The PUD Design Guidelines are in effect a living document and may be updated or revised as follows to reflect specific site conditions, special projects or users, changes in market conditions and future trends and best practices in planning

and design: minor changes as determined by the Township's professional staff in the exercise of reasonable discretion may be approved administratively; and major changes as determined by the Township's professional staff in the exercise of reasonable discretion shall be submitted to the Township Board for consideration and decision following a recommendation by the Planning Commission. Any change requires the mutual consent of the Township and Developer. To the extent the Property is subdivided in the future either through a site condominium or land division, modifications with respect to any individual parcel or site within the condominium may be made by the owner of the parcel or site and the Township, provided that any such modification does not adversely impact any other property within the Project area.

27. **Michigan Law To Control.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

28. **Due Authorization.** The Township and the Developer each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the Township, its Board of Trustees, and as to the Developer, by the appropriate officers or members of the companies constituting the Developer, and that the persons who have executed this Agreement below have been duly authorized to do so.

29. **Agreement To Run With The Land; Recording.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and shall run with the Property. This Agreement shall be recorded by Developer at its expense with the office of the Livingston County Register of Deeds and a copy provided to the Township.


30. **Counterparts.** It is understood and agreed that this Agreement may be executed in several counterparts, each of which, for all purposes, shall be deemed to constitute an original and all of which counterparts, when taken together, shall be deemed to constitute one and the same agreement, even though all of the parties hereto may not have executed the same counterpart. Delivery via facsimile or PDF transmission of a counterpart of this Agreement as executed by the parties making such delivery shall constitute good and valid execution and delivery of this Agreement for all purposes.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

[Signatures on following pages]

"DEVELOPER"


Latson Partners, LLC
a Michigan limited liability company

By: 
Todd Wyatt
Its: Manager

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)


The foregoing instrument was acknowledged before me this 25th day of September, 2020, by Todd Wyatt, the Manger of Latson Partners, LLC, a Michigan limited liability company, on behalf of the company.




Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

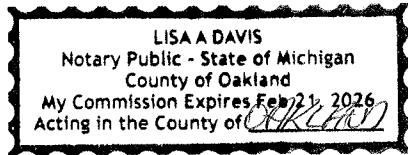
“DEVELOPER”


Latson Farms, LLC
a Michigan limited liability company

By: 
Todd Wyett
Its: Manager

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

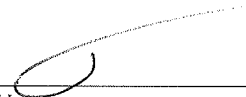
The foregoing instrument was acknowledged before me this 25th day of September, 2020, by Todd Wyett, the Manager of Latson Farms, LLC, a Michigan limited liability company, on behalf of the company.




Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

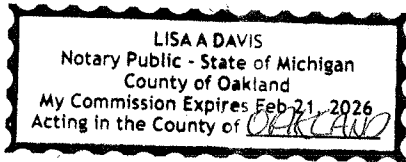
“DEVELOPER”


Covenant of Faith, LLC
a Michigan limited liability company

By: 
Todd Wyatt
Its: Manager

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

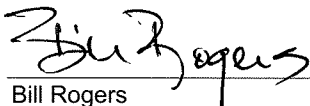
The foregoing instrument was acknowledged before me this 25th day of September, 2020, by Todd Wyatt, the Manager of Covenant of Faith, LLC, a Michigan limited liability company, on behalf of the company.




Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires: _____

“TOWNSHIP”

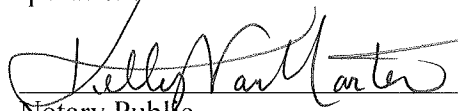
GENOA TOWNSHIP,
a Michigan municipal corporation

By: 
Bill Rogers
Its: Supervisor

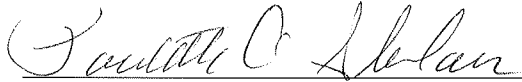
STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this 30th day of SEPTEMBER, 2020, by BILL ROGERS, Supervisor of Genoa Township, a Michigan municipal corporation, on behalf of the corporation.

KELLY VANMARTER
Notary Public, Livingston County, MI
My Commission Expires March 8, 2027


Notary Public
Livingston County, Michigan
Acting in Livingston County, Michigan
My Commission Expires: 3/8/2027

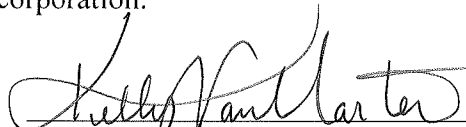
and

By: 
Paulette A. Skolarus
Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this 29th day of SEPTEMBER, 2020, by PAULETTE A. SKOLARUS, Clerk of Genoa Township, a Michigan municipal corporation, on behalf of the corporation.

KELLY VANMARTER
Notary Public, Livingston County, MI
My Commission Expires March 8, 2027


Notary Public
Livingston County, Michigan
Acting in Livingston County, Michigan
My Commission Expires: 3/8/2027

Drafted by and when recorded return to:

Alan M. Greene, Esq.
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304

EXHIBIT 1

(Legal Descriptions)

THE WEST 1/2 OF THE SOUTHEAST 1/4, LYING SOUTH OF THE C&O RAILROAD RIGHT-OF-WAY, SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AND THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8, ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 17; THENCE ALONG THE EAST LINE OF SAID SECTION 17, SOUTH 01 DEGREES 56 MINUTES 14 SECONDS EAST, 1,327.79 FEET; THENCE ALONG THE EAST-WEST 1/8 LINE OF SAID SECTION 17, SOUTH 87 DEGREES 03 MINUTES 13 SECONDS WEST, 2,593.52 FEET; THENCE ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 17, NORTH 01 DEGREES 43 MINUTES 52 SECONDS WEST, 1,325.61 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 17, ALSO BEING THE SOUTH 1/4 CORNER OF SAID SECTION 8; THENCE ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 8, NORTH 01 DEGREES 35 MINUTES 01 SECONDS WEST, 2,485.28 FEET; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID C&O RAILROAD, ALONG THREE (3) COURSES: 1) SOUTHEASTERLY ON AN ARC LEFT, HAVING A LENGTH OF 558.30 FEET, A RADIUS OF 3,135.50 FEET, A CENTRAL ANGLE OF 10 DEGREES 12 MINUTES 07 SECONDS AND A LONG CHORD WHICH BEARS SOUTH 59 DEGREES 26 MINUTES 23 SECONDS EAST, 557.56 FEET; 2) SOUTHEASTERLY ON AN ARC LEFT, HAVING A LENGTH OF 375.08 FEET, A RADIUS OF 19,734.50 FEET, A CENTRAL ANGLE OF 01 DEGREES 05 MINUTES 20 SECONDS AND A LONG CHORD WHICH BEARS SOUTH 65 DEGREES 05 MINUTES 07 SECONDS EAST, 375.07 FEET; 3) SOUTH 65 DEGREES 37 MINUTES 47 SECONDS EAST, 538.12 FEET; THENCE ALONG THE NORTH-SOUTH 1/8 LINE OF SAID SECTION 8, SOUTH 01 DEGREES 39 MINUTES 42 SECONDS EAST, 1,753.86 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 8, ALSO BEING THE NORTH LINE OF SAID SECTION 17, NORTH 87 DEGREES 00 MINUTES 12 SECONDS EAST, 1,294.40 FEET TO THE POINT OF BEGINNING, CONTAINING 141.059 ACRES AND SUBJECT TO ALL MATTERS AND EASEMENTS OF RECORD.

PARCEL # 11-17-200-008

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE ALONG THE EAST LINE OF SAID SECTION, N 01° 46' 00" E 505.00' TO THE POINT OF BEGINNING; THENCE N 89° 29' 06" W 1293.80'; THENCE N 01° 51' 05" E 168.41'; THENCE S 89° 29' 06" E 1293.55'; THENCE S 01° 46' 00" W 168.40' TO THE POINT OF BEGINNING CONTAINING 5.00 ACRES.

PARCEL # 11-08-400-004

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE ALONG THE EAST LINE OF SAID SECTION, N 01° 46' 00" E 673.40' TO THE POINT OF BEGINNING; THENCE N 89° 29' 06" W 1293.55'; THENCE N 01° 51' 05" E 168.44'; THENCE S 89° 29' 06" E 1293.30'; THENCE S 01° 46' 00" W 168.43' TO THE POINT OF BEGINNING CONTAINING 5.00 ACRES.

PARCEL # 11-08-400-006

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8, THENCE ALONG THE EAST LINE OF SAID SECTION 8, N 01° 46' 00" E 252.46'; THENCE N 89° 29' 06" W 899.00' TO THE POINT OF BEGINNING; THENCE N 89° 29' 06" W 395.17'; THENCE N 01° 51' 05" E 252.55'; THENCE S 89° 29' 06" E 394.80'; THENCE S 01° 46' 00" W 252.54' TO THE POINT OF BEGINNING CONTAINING 2.289 ACRES. SUBJECT TO AND INCLUDING THE USE OF A PRIVATE ROAD EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED BELOW.

PRIVATE ROAD EASEMENT: A 66 FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN FOR PURPOSE OF INGRESS AND EGRESS AND THE LOCATION OF PUBLIC AND PRIVATE UTILITIES, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 8, DISTANT N 01° 46' 00" E 252.46' FROM THE SOUTHEAST 1/4 CORNER OF SAID SECTION 8; THENCE N 89° 29' 06" W 970.35' TO THE CENTER OF A 75 FOOT RADIUS TURNAROUND; THENCE CONTINUING N 89° 29' 06" W 323.82' TO THE POINT OF ENDING.

PARCEL # 11-08-400-012

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8, THENCE ALONG THE SOUTH LINE OF SAID SECTION 8, N 89° 29' 06" W 323.45' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 8, N 89° 29' 06" W 971.01'; THENCE N 01° 51' 05" E 252.47'; THENCE S 89° 29' 06" E 970.72'; THENCE S 01° 47' 14" W 252.46' TO THE POINT OF BEGINNING CONTAINING 5.626 ACRES. SUBJECT TO AND INCLUDING THE USE OF A PRIVATE ROAD EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED BELOW.

PRIVATE ROAD EASEMENT: A 66 FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN FOR PURPOSE OF INGRESS AND EGRESS AND THE LOCATION OF PUBLIC AND PRIVATE UTILITIES, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 8, DISTANT N 01° 46' 00" E 252.46' FROM THE SOUTHEAST 1/4 CORNER OF SAID SECTION 8; THENCE N 89° 29' 06" W 970.35' TO THE CENTER OF A 75 FOOT RADIUS TURNAROUND; THENCE CONTINUING N 89° 29' 06" W 323.82' TO THE POINT OF ENDING.

PARCELS # 11-08-400-013 + 11-08-400-014 + 11-08-400-015

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE ALONG THE EAST LINE OF SAID SECTION 8 N 01° 46' 00" E 841.83' TO THE POINT OF BEGINNING; THENCE N 89° 29' 06" W 1293.30'; THENCE N 01° 51' 05" E 912.72' TO A POINT ON THE SOUTHERLY RAILROAD RIGHT-OF-WAY LINE (AS CONSTRUCTED); THENCE ALONG THE SAID SOUTHERLY RAILROAD RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

- (1) S 62° 03' 36" E 88.07'
- (2) CURVE TO THE LEFT 527.26', RADIUS = 4000.00', CENTRAL ANGLE = 07° 33' 09",
CHORD BEARING AND LENGTH S 65° 50' 11" E 526.88'
- (3) S 69° 36' 45" E 765.54'

TO A POINT ON THE EAST LINE OF SAID SECTION 8; THENCE ALONG THE EAST LINE OF SAID SECTION 8 S 01° 46' 00" W 400.43' TO THE POINT OF BEGINNING CONTAINING 18.9707 ACRES (826,362 S.F.) AND SUBJECT TO THE RIGHTS OF THE PUBLIC IN NIXON ROAD TAKEN OR DEEDED FOR ROAD PURPOSES AND SUBJECT TO ALL MATTERS AND EASEMENTS OF RECORD.

PARCEL # 11-08-400-020

LEGAL DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF GENOA, COUNTY OF LIVINGSTON, STATE OF MICHIGAN, DESCRIBED AS:

A PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 9 , TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE CENTERLINE OF NIXON ROAD 542.26 FEET NORTH 1° 46' EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 1° 46' EAST 700 FEET ALONG THE CENTERLINE OF NIXON ROAD TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C & O RAILROAD; THENCE SOUTH 69° 36' 45" EAST 870.11 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE C & O RAILROAD; THENCE SOUTH 1° 46' WEST 395.96 FEET; THENCE SOUTH 89° 56' 30" WEST 825 FEET TO THE POINT OF BEGINNING.
AREA: 10.3732 ACRES.

PARCEL # 11-09-300-031

Land situated in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

A part of the West 1/2 of the Southwest 1/4, Section 9, Town 2 North, Range 5 East, described as follows: commencing at a point on the centerline of Beck Road and the East and West 1/4 line 768.87 feet East of the West 1/4 of said Section 9; thence East 262.03 feet along the centerline of Beck Road and the East and West 1/4 line; thence South 01 degree 46 minutes West 1711.99 feet to the Northerly right-of-way line of the C & O Railroad; thence North 69 degrees 36 minutes 45 seconds West 276.36 feet along the Northerly right-of-way line of the C & O Railroad; thence North 01 degrees 46 minutes East 1615.68 feet to the point of beginning.

Tax Item No.: 11-09-300-001

EXHIBIT 2

(Minutes of Township Board Meeting dated August 3, 2020)

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting & Public Hearing
August 3, 2020

MINUTES

Supervisor Rogers called the Regular Meeting of the Genoa Charter Township Board to order at 6:30 p.m. at the Township Hall with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Jean Ledford, Terry Croft, Jim Mortensen and Diana Lowe. Also present were Township Manager Michael Archinal; Township Assistant Manager Kelly VanMarter and six persons in the audience. Absent - Robin Hunt.

A Call to the Public was made with the following response:

- Ty Cole – I just want to clarify my intent from the last board meeting that may have caused some concern or upset. I would like to achieve a collaborative relationship with the township and work through some issues related to lake traffic and violations on the lake.
- Philip Casteleyn – The speed limit on Hughes Road is 25 M.P.H. and many exceed that limit. I have put out speed trailers, 16 crosswalk signs, and contacted the Livingston County Sheriff and now ask for your assistance.

Approval of Consent Agenda:

Moved by Mortensen and supported by Lowe to approve all items listed under the Consent Agenda as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: July 20, 2020

Approval of Regular Agenda:

Moved by Ledford and supported by Lowe to approve for action all items listed under the Regular Agenda. The motion carried unanimously.

3. Consideration of a recommendation for approval of a rezoning (adoption of Ordinance Z-20-03), PUD Agreement, Impact Assessment, and conceptual PUD Plan for a proposed rezoning request from Country Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 195 acres along S. Latson Road south of I-96. The subject property includes 177 acres on the west side of S. Latson Road, 10 acres on the east side of S. Latson

Road and 6 acres on Beck Road east of S. Latson Road. The properties include the following parcels requested to be rezoned to CAPUD: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031 and 4711-17-200-008. Parcel 4711-09-300-040 (formerly 001) is requested to be rezoned to ICPUD. The request is petitioned by Todd Wyett.

A. Call the Public was made with the following response: Brenda Daniels – I have lived in this community for 20 years. We need a larger buffer between our property and the proposed development. Please address the building height, signage and lighting. Please also consider an easement on our property to allow access to the new traffic light for future development.

B. Disposition of Rezoning Ordinance Z-20-03

Moved by Skolarus and supported by Lowe to approve and adopt Ordinance No. Z-20-03. This approval is made because the proposed amendment to the Zoning Map and reclassification as Interchange Campus and Interchange Commercial Planned Unit Development (CAPUD and ICPUD) with the related development agreement including use restrictions, design guidelines, utility extensions and conceptual plan has been found to comply with the criteria stated in Sections 10.02, 10.03.06 and 22.04 of the Township Zoning Ordinance. This finding includes the following supporting statements:

1. The rezoning promotes comprehensive and long term planning of appropriate land uses, innovative architectural design, high quality building materials, and a walkable environment for pedestrians;
2. The rezoning encourages innovative and beneficial land uses with streetscape, building and site design elements which are consistent with the goals, objectives, and land use map of the master plan and are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
3. The rezoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district and will serve to protect the large wooded wetland located west of S. Latson Road;
4. The rezoning will provide the required utility extensions necessary to serve the proposed development and will further promote efficient provision of public services and utilities without compromising the "health, safety and welfare" of the Township;
5. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. The development provides for inter-connection of roads and the future integration of circulation between adjacent sites which will reduce adverse vehicular and pedestrian traffic impacts.

The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – Hunt.

C. Disposition of PUD Agreement last updated on July 20, 2020.

Mortenson raised the issue of \$10,000.00 for an easement acquisition with the Township being responsible for additional costs. VanMarter advised the board that there is only one easement left to get for the water-main. The sewer easement is already complete.

Moved by Lowe and supported by Croft to approve the PUD Agreement received on July 20, 2020 subject to the following:

1. The comments from staff and the Township Attorney in the marked up Agreement on 7/29/20 shall be incorporated with the exception of changes to Section 20 related to Timing of Development which shall be further negotiated and approved by Township staff and the Township Attorney prior to signing.
2. The comments from staff and the Township Attorney on the marked up Utility Construction Agreement (Exhibit 12) referenced in PUD Agreement shall be incorporated into the document. Any changes shall be reviewed and approved by the Township Attorney and staff.
3. The PUD Agreement final draft with all Exhibits shall be reviewed and approved by Township staff and Township Attorney prior to signing.
4. The fully executed document including all Exhibits shall be recorded at the Livingston County Register of Deeds office and a copy of the recorded document shall be provided to the Township.

The motion carried unanimously.

D. Disposition of Environmental Impact Assessment dated July 30, 2019.

Moved by Lowe and supported by Croft to approve the Environmental Impact Assessment as submitted. The motion carried unanimously.

E. Disposition of Conceptual PUD Plan dated May 20, 2020

Moved by Skolarus and supported by Ledford to approve the Conceptual PUD Plan dated May 20, 2020 subject to the following:

1. The requirements of the Township Engineer's letter dated June 3, 2020 shall be met.
2. The requirements of the Brighton Area Fire Authority's letter dated March 26 , 2020 shall be met
3. Easements will be required to allow cross access for vehicular and pedestrian traffic in each of the project areas and to adjacent parcels.
4. Details will be required for the highway sign, uses, dimensional standards, building and site design, etc. prior to development of the north area.

The motion carried unanimously.

Correspondence:

- The Cromaine District Library provided minutes of their board meeting
- The Livingston County sheriff's Office provided an overview of work being done within the township

Member Discussion:

- Mortensen asked that the sheriff speak to the board about their responses to possible catastrophic issues.
- Archinal provided an overview of work being done within the township.

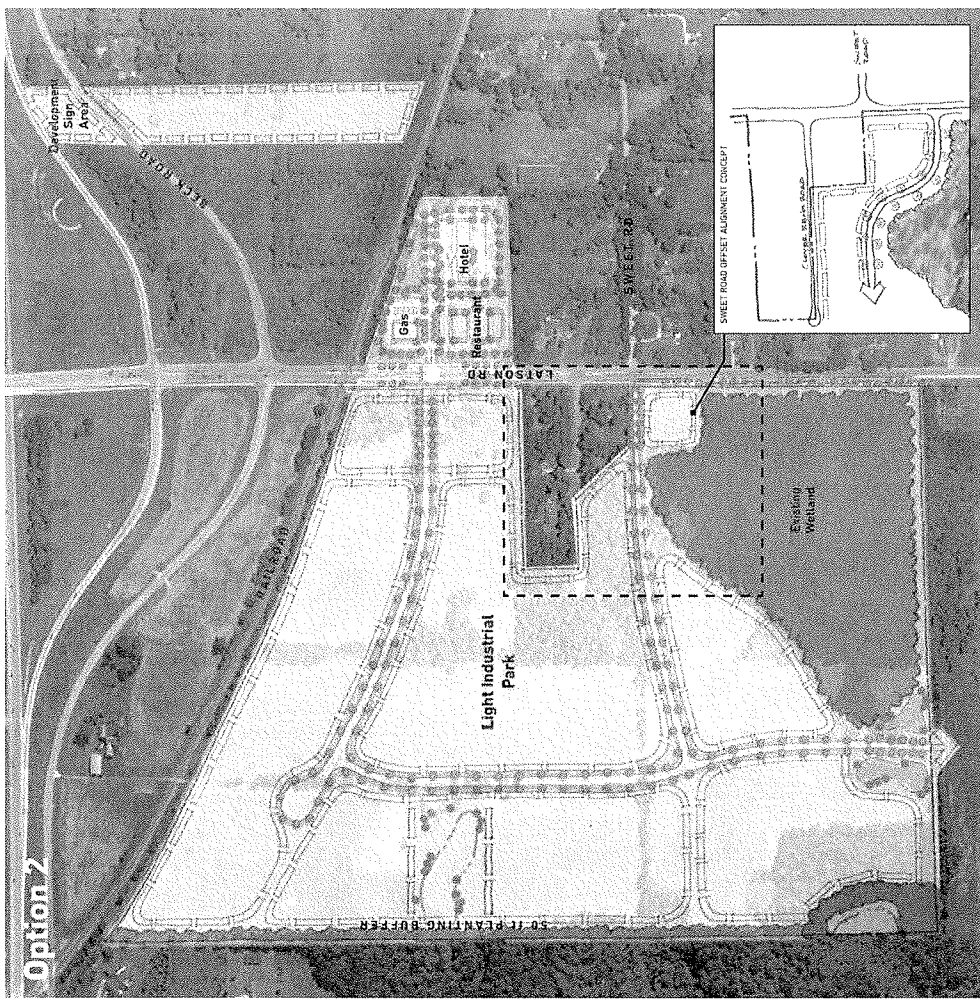
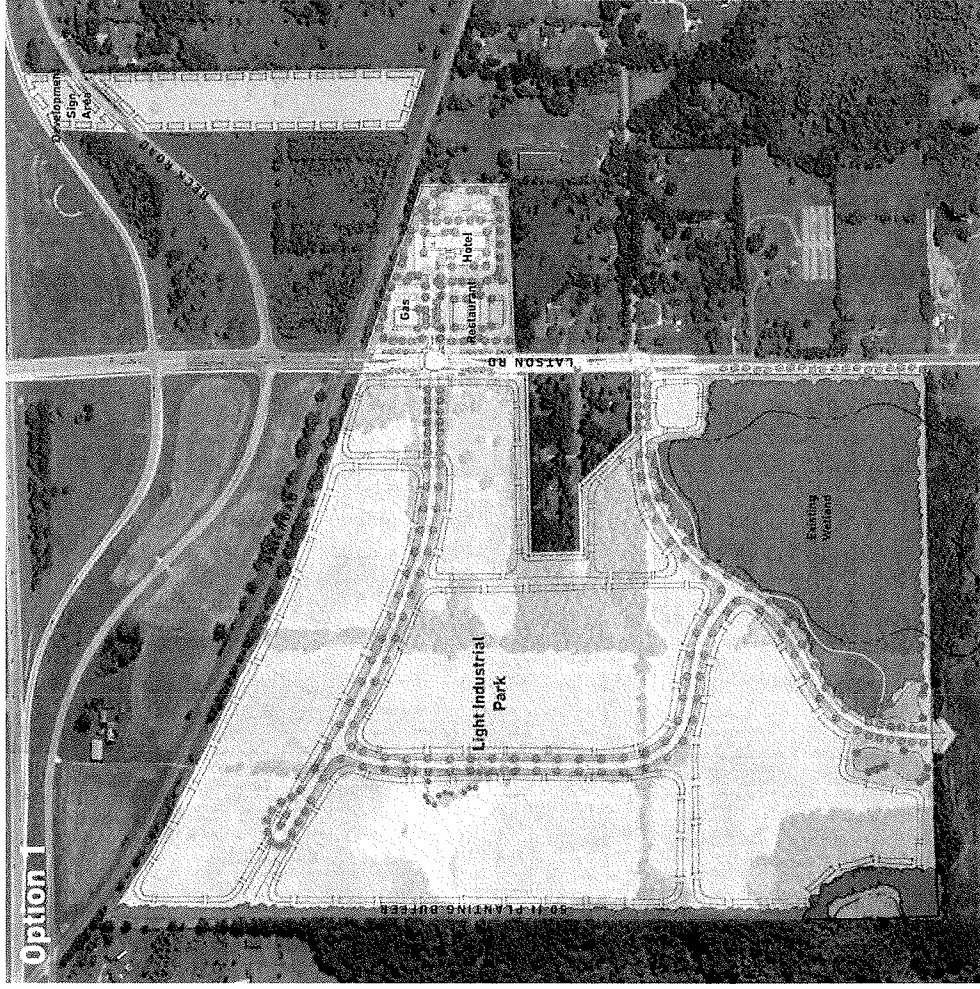
Moved by Mortensen and supported by Croft to adjourn the meeting at 7:15 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board

EXHIBIT 3

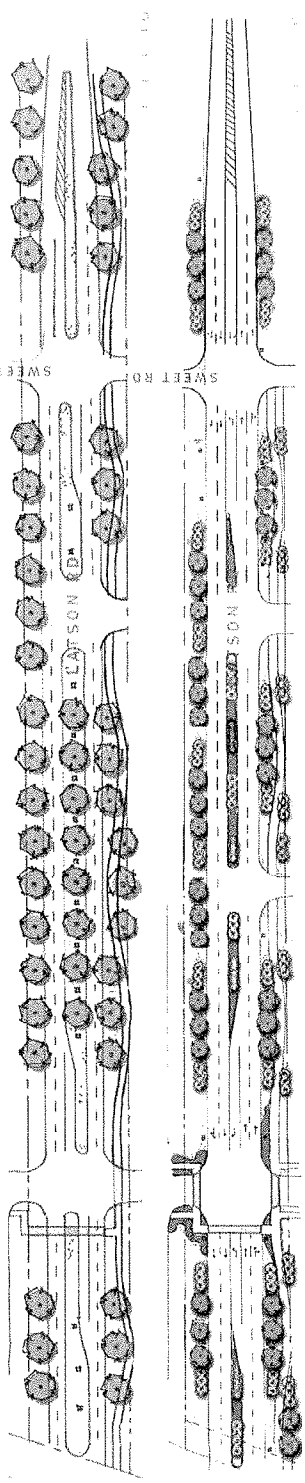
(PUD Plan)

OVERALL PLAN



Option 1:
30 ft median

Option 2:
15 ft median



MKSK

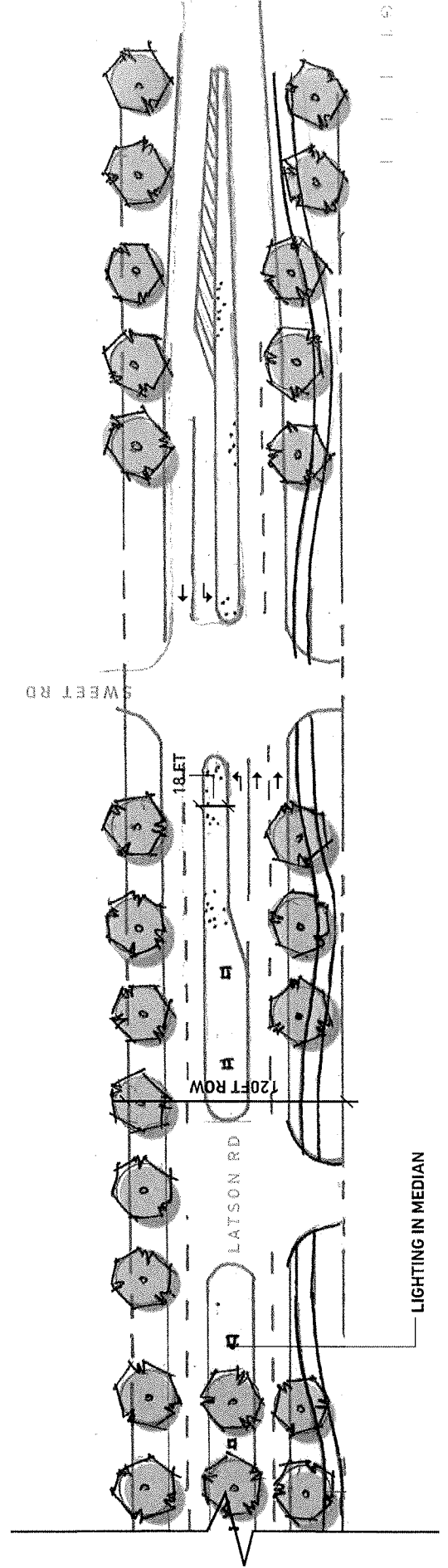
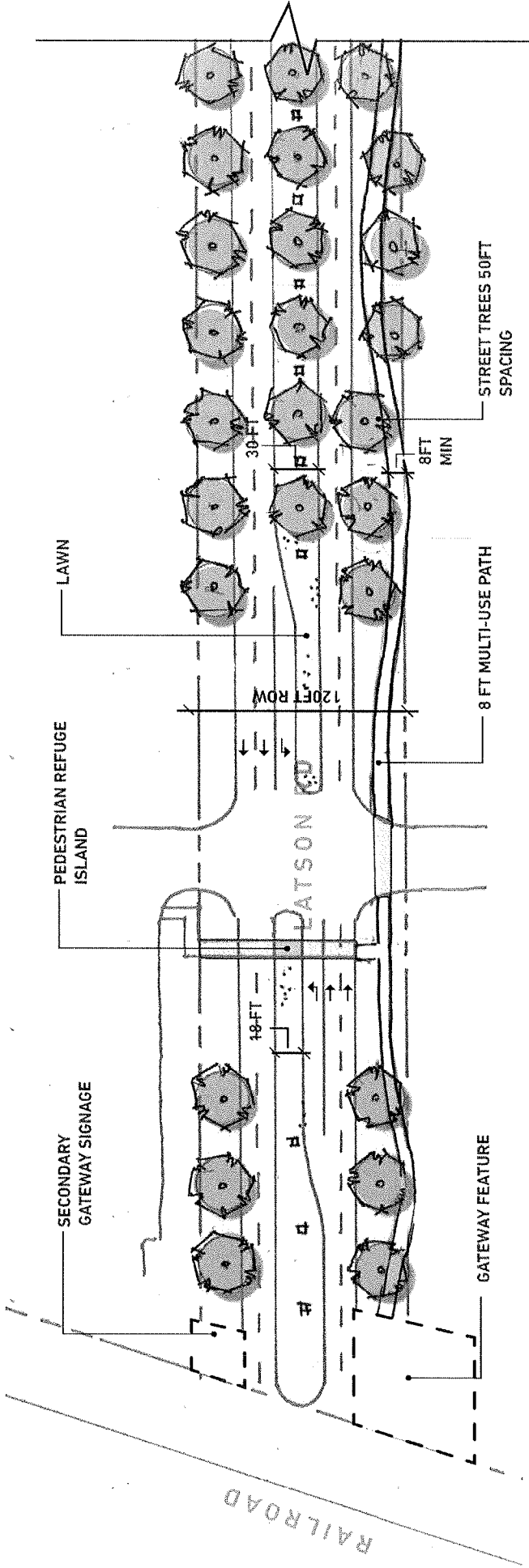
Versa Development

Preliminary Concepts

DRAFT

May 20, 2020

LATSON ROAD LANDSCAPE : Option 1



LATSON ROAD LANDSCAPE : Option 2

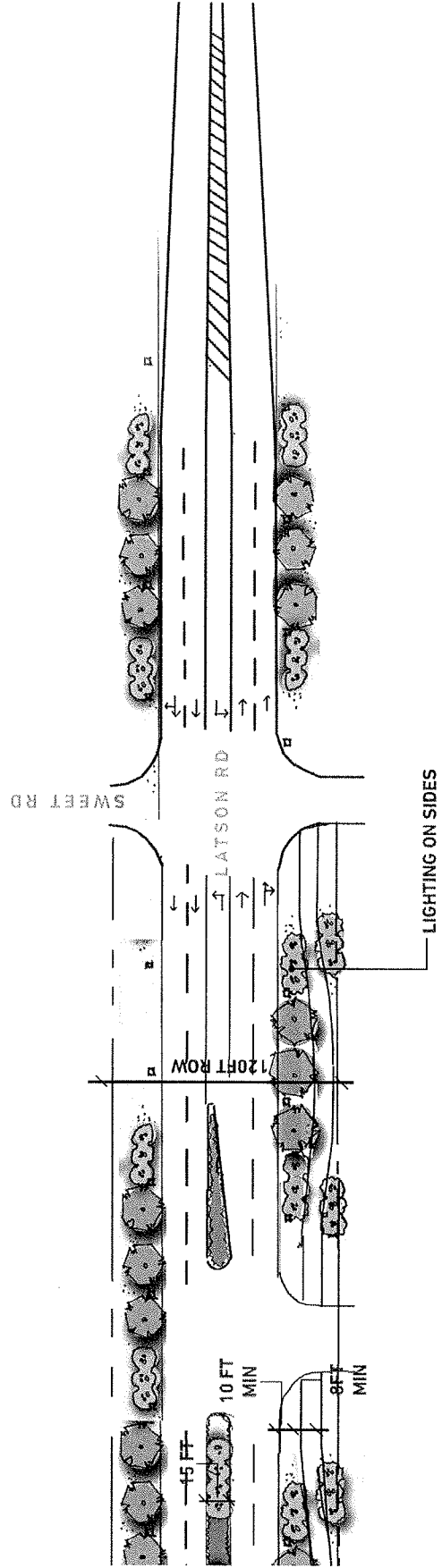
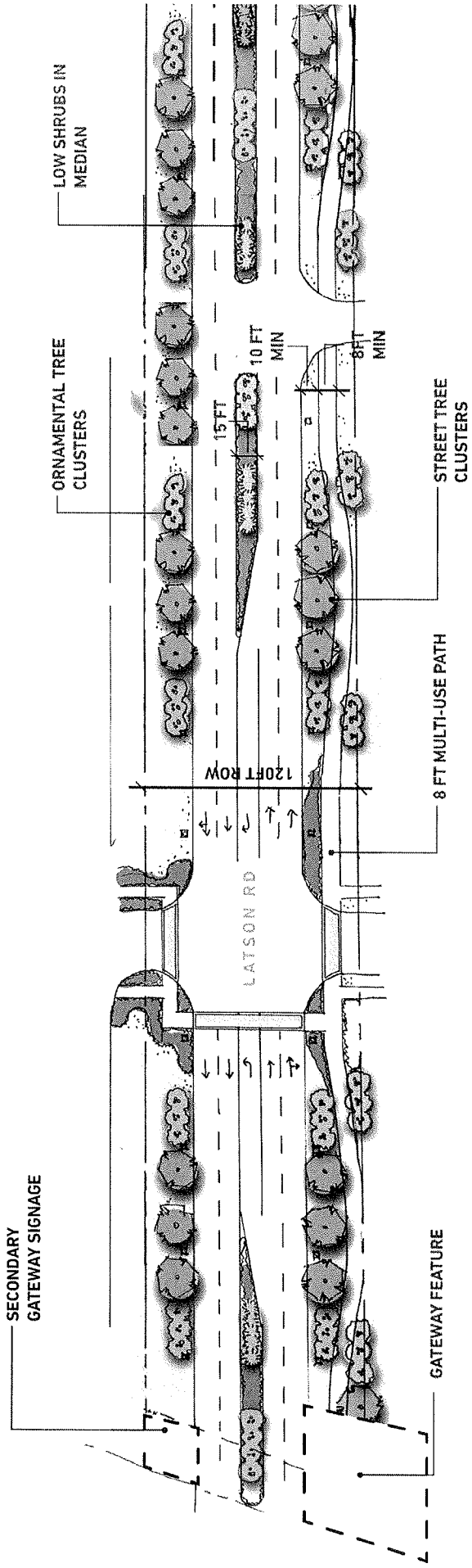


EXHIBIT 4

(Permitted Uses for High-Tech, Light Industrial Area)

VERSA PUD: Permitted Land Uses in 177 acres of Innovation Business Park (see map)

P= Permitted; SLU= Special Land Use

Types of Uses (see also regulation by size as noted at the bottom of the table)	Versa PUD: Innovation Park
OFFICE, RESEARCH & DEVELOPMENT, LIGHT INDUSTRIAL	
Offices, including: executive, medical, administrative, and professional, including architecture, planning, and engineering	P
Conference Centers	P
Multimedia production facilities	P
Corporate and technical education and training facilities	P
Data processing and computer centers, including computer programming and software development, training, and service of electronic data processing equipment	P
Research and Development, Pilot or Experimental Product Development	P
Distribution facilities, air freight forwarders, expediting and delivery services, and warehousing establishments, including wholesale trade (includes whole sale and industrial distributors, warehousing, freight forwarders, wholesale assemblers) if located at least 500 feet from Latson Road	P
Distribution and other facilities listed above when within 500 feet of Latson Road	SLU
Light industrial as defined in the Genoa Township Zoning Ordinance	P
MEDICAL	
Hospitals, medical urgent care facilities/centers/clinics, medical research facilities, diagnostic, optical, and pharmaceutical and other laboratories	P
USES PERMITTED ONLY WHEN ACCESSORY TO A MEDICAL USE	
Educational facilities for training of interns, nurses, and allied health care personnel	P
Multiple family housing for use by physicians, interns, nurses, allied health personnel and their families	P
Ambulance service and maintenance facilities	P
Helipads, heliports, and helistops	SLU
Accessory mobile medical technology unit	P
OTHER	
Hotels	P
Day care centers	P
Pet Day Care and overnight boarding	P
Indoor recreation facilities, health clubs, and studios	P
OTHER USES, ACCESSORY USES	
Public facilities and uses to serve the district including police, fire, EMS, public utilities, and communications	P
Accessory Outdoor storage of materials used in the operation of the Principal Use screened from view along public roads or the expressway	SLU
Accessory parking of vehicles, trucks, trailers and equipment. Any parking of semi-trailers or trucks of more than 24 hours is prohibited in the front yard. Area of parking must be shown on the site plan and specify screening from view.	P
Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed 50% of the gross building area (e.g., general office, child care, food service, health/workout rooms intended for use by employees, not the general public).	P
SIZE RESTRICTIONS	
Any permitted use over 200,000 square feet	SLU
Uses similar to, and compatible with, other permitted uses and not listed as Prohibited, as determined by the Planning Commission	P

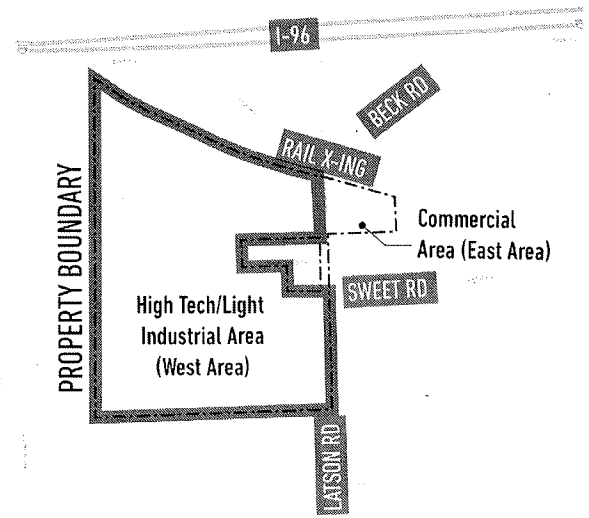


EXHIBIT 5

(Permitted Uses for Accessory Commercial Area)

VERSA PUD: Commercial Use Table

VERSA PUD: Permitted Land Uses in East Area (see map)

Types of Uses	Versa PUD: Commercial
MIXED USE	
Mixed use (including horizontal or vertical mix of residential with commercial)	P
COMMERCIAL AND SERVICE	
Limit of one Auto/gasoline service stations of any type, principal or accessory and accessory retail and food services	P
Offices, including: executive, medical, administrative, and professional, including architecture, planning, and engineering	P
Conference Centers	P
Entertainment (movie theaters, indoor commercial recreation, etc.)	P
Financial Institutions	P
Groceries including specialty foods or beverage that may include seating or take out service	P
Hotels	P
Indoor commercial recreation or fitness centers (excluding dome structures)	P
Microbrewer or small distiller, pubs and growler stores	P
Pet supplies or grooming, pet day care	P
Personal Service establishments such as dry cleaners, cellular phone, nail or beauty salons, consulting services	P
Pharmacies which may include drive through service	P
Restaurants and coffee shops including take out, fast casual and sit down with or without drive-through service	P
Retail/Service (General, not listed above)	P
Offices, including: executive, medical, administrative, and professional, including architecture, planning, and engineering	P
Urgent Care Centers	P
ACCESSORY USES	
Accessory uses, buildings, and structures customarily incidental to any of the above. Examples include security work, administration offices, and storage and distribution incidental to the primary use of the site	P

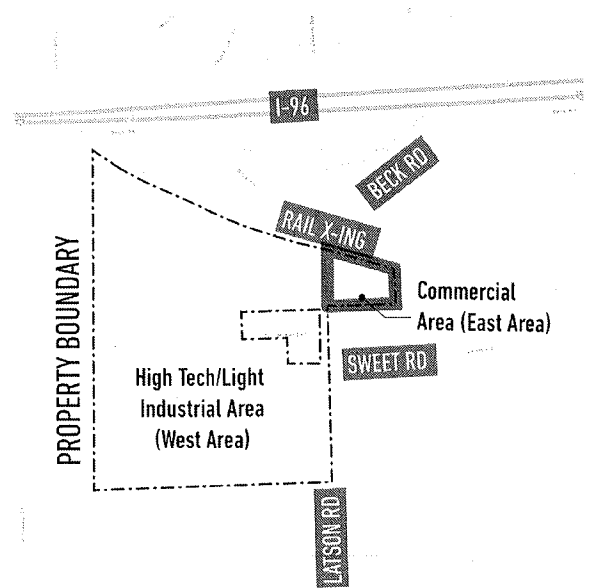


EXHIBIT 6

(Prohibited Uses)

VERSA PUD: Prohibited Uses (applies throughout the project)

Types of Uses	Prohibited
Manufacture of automobiles and bodies, trucks, engines, batteries, etc.	X
Blast furnace, steel furnace, blooming or rolling mill; smelting of copper, iron, or zinc ore	X
Painting, sheet metal and welding shops, metal and plastic molding and extrusion shops	X
Production, refining, storage of petroleum and other flammable or combustible materials	X
Deep well injection of hazardous waste or non-hazardous waste	X
Incineration of garbage or refuse	X
Junk yards and salvage yards	X
Hazardous waste recycling, incineration, treatment, transfer, storage or disposal	X
Non-hazardous waste transfer stations, treatment, storage or disposal facilities	X
Sludge composting	X
Truck Terminals	X
Truck driving schools	X
Lumber and planing mills	X
Metal plating, buffing, and polishing	X
Sheet metal stamping operations	X
Self-storage facilities	X
Automobile repair	X
Commercial kennels	X
Storage facilities for building materials, sand, gravel, stone, lumber, open storage for construction contractor's equipment and supplies	X
Truck Stops	X
Laundry, dry-cleaning establishments or pick-up stations	X
ACCESSORY USES	
Accessory outdoor storage of raw materials, supplies, equipment, and products - occupying an area exceeding 25% of the floor area of the principal building	X

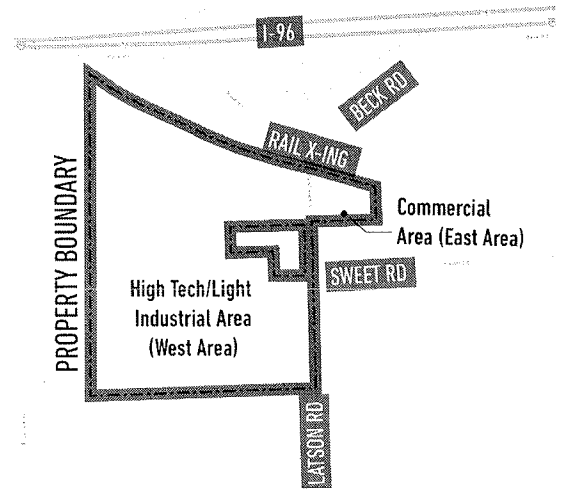
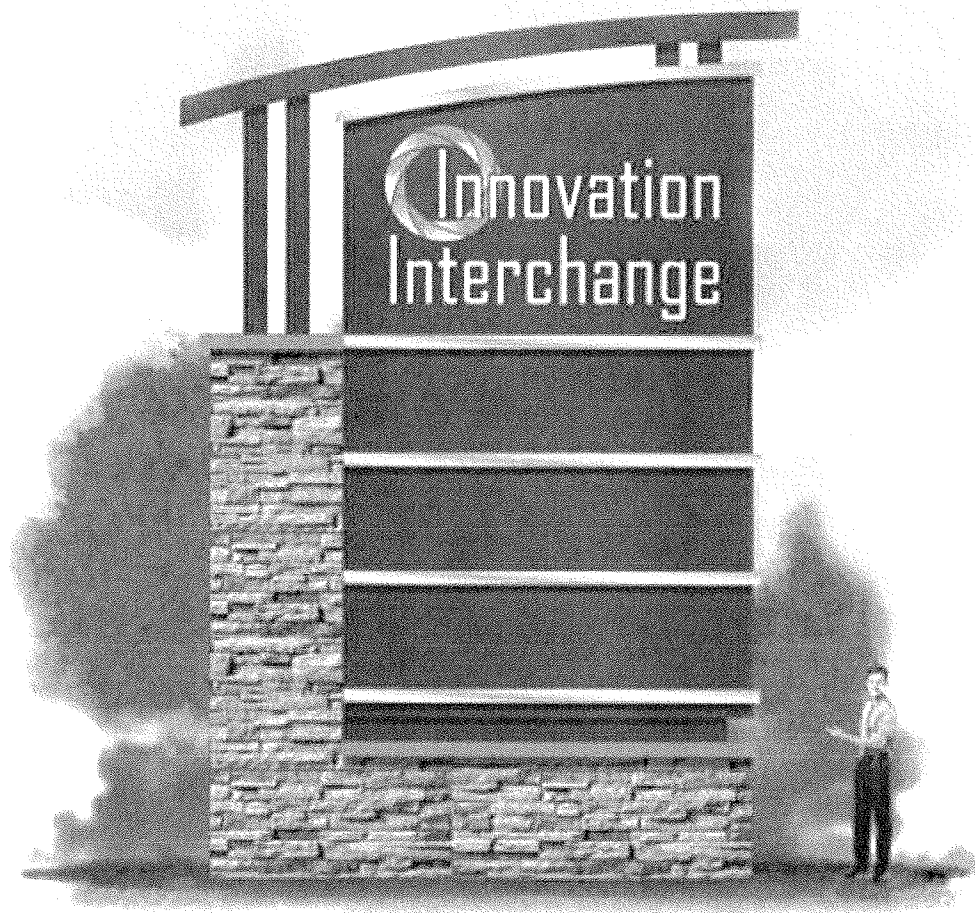


EXHIBIT 7

(Highway Project Sign)



FREEWAY/ENTRY MONUMENT SIGN

EXHIBIT 8

(PUD Design Guidelines)

INNOVATION INTERCHANGE PUD DESIGN GUIDELINES

GENOA TOWNSHIP, MICHIGAN

UPDATED SEPTEMBER 14, 2020

OVERVIEW

Generally, the design of the Innovation Interchange Planned Unit Development will follow the standards described in the Genoa Township Zoning Ordinance and the applicable specifications of other agencies involved in the approval process. These guidelines are considered as a supplement to those standards. Generally, the more restrictive standard between the Zoning Ordinance and these guidelines will apply. These guidelines may be modified as the specific types of uses and site plans are developed for each development or PUD phase.

Some of the standards herein are more restrictive than is typically required by the zoning ordinance, such as certain landscape and lighting specifications. In other cases, the dimensional standards in the guidelines are more generous than the ordinance would otherwise allow, as permitted by the "Flexibility in Design" provisions in Section 10.01.03 of the Genoa Township's PUD Article, in the Zoning Ordinance.

A general comparison of existing zoning ordinance standards to the PUD is shown on the table on the next page. In addition, the architectural standards herein vary somewhat from the Township's standards, specifically to allow other durable materials besides brick. Standards for external building materials are based on high quality designs similar to those illustrated in these guidelines.

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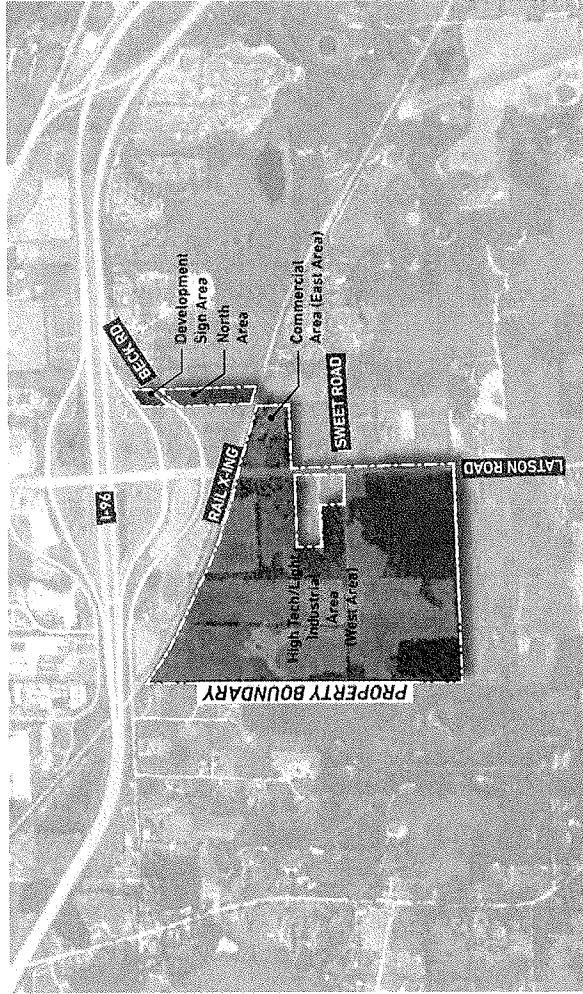
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PROJECT TEAM:

Versa | real estate

FLEIS&VANDENBRINK MKSK
REAL ESTATE CONSULTANTS

ATWELL DyKEMA

INTENT
 These guidelines are intended to illustrate the design quality anticipated with the commercial and light industrial portions of the PUD. The "Owner" of the PUD or subsequent purchaser of land will be responsible for providing these guidelines to design professionals who will be involved in the preparation of site plans. Specific compliance will be described in more detail with a site plan that will be submitted to the Township for approval.

In general these guidelines include the following components:

1. A description of architecture supplemented with photographs from similar developments to illustrate the general outcomes expected consistent with the standards to support a deviation from the Township's standards that would otherwise apply.
2. Specific parking requirements associated with the intended uses along with a provision to permit a reduction for shared parking when uses have different peak parking occupancy hours.
3. Efforts to share access to reduce the number of driveways and provide good traffic operations along Latson Road.
4. Provision of additional height for modern-style light industrial and R+D buildings, and a hotel, up to 4 stories or 5 stories as a Special Land Use (in conjunction with setbacks from existing single family homes as illustrated on an exhibit).
5. Some flexibility in the building setbacks.
6. An overall open space concept plan with representative amenities.
7. A greenbelt along Latson Road that exceeds Genoa Township requirements and plant sizes that are larger than required at installation.
8. A reduction in street trees along the internal industrial streets, but provisions for a variety of street tree species.
9. Additional lighting standards to reduce lighting impacts on adjacent homes to the west.
10. Provision for three project entry signs, one at each entrance. These signs may include name plates for major buildings or businesses in the PUD.
11. Allowance for a project identification sign visible to traffic along I-96. The height and design shall be negotiated with Genoa Township.

The following table provides a comparison summary between the zoning requirements of the Genoa Township Zoning Ordinance and the proposed Versa PUD standards. The standards listed here provide a snapshot of where there are differences between the Township's standards and the PUD standards, including for setbacks, height, and landscaping requirements.

ZONING COMPARISON TABLE	
Existing Zoning Requirements	PUD Standards:
Setbacks Regional Commercial Side Yard: 20 feet	Side Yard: 20 feet for each side plus an additional 0.5 feet per foot of height over 45 feet tall
Maximum Height Regional Commercial: 45 feet or 3 stories	All other uses in commercial: 45 feet, 3 stories Hotel: 57 feet or 4 stories, whichever is less*
Existing Zoning Requirements Setbacks Front Yard: 85 feet if parking is located in the front yard; 50 feet if no parking is located in the front yard Side Yard: 25 feet (or 50 feet if adjacent to residential)	PUD Standards: Setbacks Front Yard: 85 feet (50 feet if no parking is located in the front yard and/or building height is 30 feet or less) Side Yard: 25 feet (or 50 feet if adjacent to residential) & 25 plus an additional 0.5 feet per foot of height over 30 feet (if not adjacent to residential)
Maximum Height 30 feet or 2 stories	All other uses in industrial: 55 feet or 3 stories, whichever is less Hotel: 57 feet or 4 stories, whichever is less*
Existing Zoning Requirements Frontage- Greenbelt along Latson Road Minimum width of Greenbelt: 20 feet with one canopy tree planted every 40 feet of frontage	PUD Standards: Frontage- Greenbelt along Latson Road Minimum width of Greenbelt: 30 feet with one canopy tree planted for every 40 feet of frontage
Landscaping Frontage - Tree Sizes Minimum Required Plant Sizes: Deciduous Canopy Tree: 2.5" caliper Deciduous Ornamental Tree: 2" caliper Evergreen Tree: 6" height Deciduous Shrub: 2' height Upright Evergreen Shrub: 2' height Spreading Evergreen Shrub: 18" - 24" spread	Minimum Required Plant Sizes (along Latson Road only): Deciduous Tree: 3-4 inch caliper (with minimum average size of 3.5 inches) Ornamental Tree: 2.5 - 3.5 inch caliper Evergreen Tree: 10 - 14 feet tall (with minimum average size of 12 feet tall) Shrubs and Hedges: 30-36 inches tall Canopy Tree: 2.5 inch caliper Deciduous Ornamental Tree: 2 inch caliper Evergreen Tree: 6 feet height Deciduous Shrub: 2 feet height Upright Evergreen Shrub: 2 feet height Spreading Evergreen Shrub: 18 inch - 24 inch spread
Existing Zoning Requirements	PUD Standards: See Design Guidelines for additional standards related to: Parking Lighting Architecture Signs (currently no off-premise signs are permitted, this PUD proposes some with specific guidelines)
Other	

*The Hotel may be increased to 65 feet or 5 stories, provided minimal distance from adjacent residential home is 500 feet and the Township determines the design is compatible with residential in the area in terms of views and lighting

HIGH TECH/LIGHT INDUSTRIAL DESIGN GUIDELINES

The primary purpose of the building design standards is to promote and enforce high-quality architectural design for building sides visible from Letson Road to enhance the Township's entryway from the I-96 interchange. The design and materials on building sides visible from the interior roads are not required to meet the more stringent standards but should still utilize some of these elements to promote an attractive appearance. Building along the "north edge" shall also meet the guidelines described on page 10.

A. Facade Plane and Material Delineation

- **Horizontal delineation.** Long lengths of building facade wall planes shall be broken up using different materials and offset of planes, to serve as a visual breakup of long exterior walls. The following criteria shall be applied to the horizontal plane of walls with a minimum building length of 100 feet:
 - » Buildings with frontages 100 feet to 500 feet in length
 - Require a major material change at a rate of 1.5 times the height of the building.
 - Require a shift in wall facade a minimum of 2 feet in dimension every 40 feet.
 - » Buildings with frontages over 500 feet in length
 - Require a major material change at a rate of 1.75 times the height of the building.
 - Require a shift in wall facade a minimum of 2 feet in dimension every 40 feet and a shift in wall facade a minimum of 4 feet in dimension every 80 feet.
 - If side and/or rear building walls face primary roadways, the same regulations as the guidelines apply to the secondary facades. If the building's side and/or rear walls face internal lots, rates for planar variation can double guidelines.

- **Vertical delineation.** To create visual interest and encourage an active street frontage, interruption in the vertical plane should be prevalent on tall buildings. Primary entrances and exits should be highlighted through planar variation and/or difference in height.
 - » Buildings up to 30 feet in height
 - Require a change in material color or texture in a minimum of 3 locations. Height of change is required to be a minimum of 5 feet.
 - Require a shift in wall facade or provide a visual break in wall facade at a minimum of two locations.
 - » Buildings over 30 feet in height
 - Require a change in material color or texture in a minimum of 5 locations. Height of change is required to be a minimum of 10 feet.

- Require a shift in wall facade or provide a visual break in wall facade through canopies or accent bands/recesses) at a minimum of four locations.
- **Corner Articulation.** To ensure that building corners that face or can be viewed from public or private roads shall be distinctive in the use of architectural elements, materials, and design.
 - » The continuation of architectural elements that are required for horizontal and vertical material delineation shall also wrap the corners of the building extending at least 50 feet around the corner of the building.
 - » Corner articulation may be provided in the form of glass or other types transparent materials.

EXTERIOR BUILDING MATERIALS

- Exterior facade materials shall consist of high quality, durable products on any side visible from a public or private roads. Materials are not limited to the brick requirements that typically applies in the Township. Appropriate building materials includes combinations of: brick, flush metal/aluminum panels, concrete block, and pre-cast concrete.
- Varying patterns and textures shall be introduced to give the building smaller scale relationships of materials vs. monotonous and large surfaces without visual variations.
- Glass shall be used on primary facades to provide transparency.

SIGHTLINE REQUIREMENTS AND DOCK DOORS

- All mechanical installations and/or features shall be adequately screened from street view or view from nearby public space. The choice of screening shall complement or enhance the building's dominant color and overall character.
- Dock doors must be located in the side or rear yard and have appropriate buffers to minimize impacts from abutting residential and commercial uses. In order to limit uses with higher truck volumes, up to one truck dock door per 4,000 square feet is permitted for building footprints that are up to 100,000 square feet. One truck dock door per 8,000 square feet of building footprint is permitted over 100,000 square feet. These standards may be relaxed for sites within the interior for walls not visible from a public street or I-96. Dock doors shall be set back at least 50 feet from the lot line (or 75 feet from the lot line if adjacent to residential). Buffer Zone Type A is required for any dock doors located adjacent to residential, and Buffer Zone Type B is required for any dock doors located adjacent to commercial.
- Accessory uses that include outdoor storage (including for trucks and trailers and loading areas) shall indicate the location of such areas

on the site plan. These areas shall not be located in the front yard and shall be no larger than 40% of the total square footage of the building on site. Sites shall also not have outdoor storage visible from I-96. Outdoor storage must have appropriate buffering between adjacent residential and commercial areas; Buffer Zone Type A is required for any outdoor storage area located adjacent to residential, and Buffer Zone Type B is required for any outdoor storage area located adjacent to commercial.

INDUSTRIAL DESIGN GUIDELINES

Examples of building that meet the Industrial Building Design Standards are shown on pages 5 and 6.

INDUSTRIAL DESIGN DIMENSIONAL STANDARDS	
Minimum setbacks:	
Front Yard	85 feet (or 50 feet if no parking is located in the front yard and/or building height is 30 feet or less) ¹
Side Yard	25 feet (or 50 feet if adjacent to residential) 25 feet plus an additional 0.5 feet per foot of height over 30 feet (if not adjacent to residential) ²
Rear Yard	40 feet (or 80 feet if adjacent to residential)
Parking Lot	20 feet front, 10 feet side and rear
Maximum Height	55 feet or 3 stories, whichever is less ³
Maximum Height of Hotel	57 feet or 4 stories ⁴

- ¹ Proposed addition to front yard setback with lesser building height.
- ² Proposed standard to provide for a greater side yard set back for taller buildings.
- ³ Existing maximum height in the Zoning Ordinance is 30 feet or 2 stories
- ⁴ As a Special Land Use, the Hotel may be increased to 65 feet or 5 stories, provided minimal distance from adjacent residential home is 500 feet and the Township determines the design is compatible with residential in the area in terms of views and lighting.

MINIMUM PARKING REQUIREMENTS	
Light Industrial	1.5 spaces per 1,500 square feet of gross floor area or 1.2 spaces per employee at peak shift, whichever is greater; plus 1 for each corporate vehicle, with the ability to reduce the amount of parking required to "bank" an area for future parking, as permitted in the Township's Zoning Ordinance.

INDUSTRIAL BUSINESS PARK OUTDOOR LIGHTING STANDARDS

The purpose and intent of the Outdoor Lighting standards is to:

- Minimize light trespass onto adjacent properties
- Help eliminate artificial lighting that contributes to "sky glow" and disrupts the natural quality of the nighttime sky
- Provide a safe nighttime environment

Any future site plan within the PUD shall be required to submit an outdoor lighting plan to abide by the standards set forth in this section. The site plan shall contain a photometric layout for the exterior lighting which may subsequently be waived if there is no parking area present on the site. These standards generally apply throughout the PUD, but flexibility may be allowed when the development is not adjacent to residential areas, and for the commercial area.

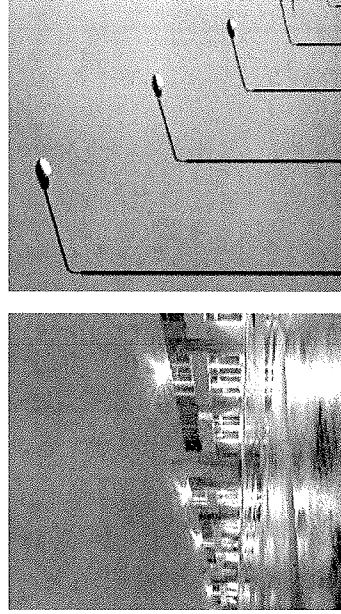
The following outdoor lighting types shall be exempt from the provisions of this section:

- Emergency lighting
- Temporary lighting for performance areas, construction sites and community festivals.
- Seasonal and holiday lighting provided that the lighting does not create direct glare onto other properties or upon the public rights-of-way.

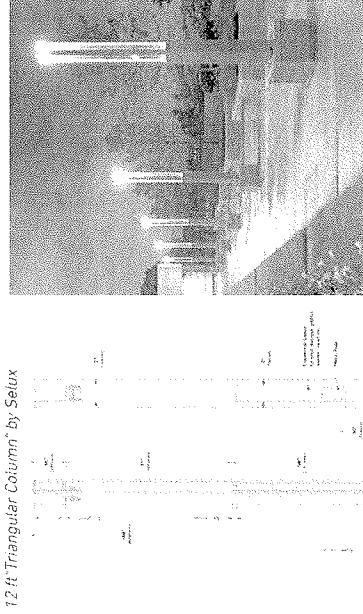
The following outdoor lighting types shall be prohibited:

- Floodlights or swivel luminaires designed to light a scene or object to a level greater than its surroundings unless aimed downward. No fixtures may be positioned at an angle to permit light to be emitted horizontally or above the horizontal plane.
- Unshielded lights that are more intense than 2,250 lumens or a 150 watt incandescent bulb.
- Search lights and any other device designed solely to light the night sky except those used by law enforcement authorities and civil authorities.
- Laser source light or any similar high intensity light when projected above the horizontal plane.
- Mercury vapor lights.
- Metal halide lights, unless used for outdoor sport facilities.
- Quartz lights.

HIGH TECH/LIGHT INDUSTRIAL OUTDOOR LIGHTING STANDARDS



12 ft. Triangular Column, by Selux



Recommended ornamental pedestrian-scale lighting for northern entry on Latson Rd

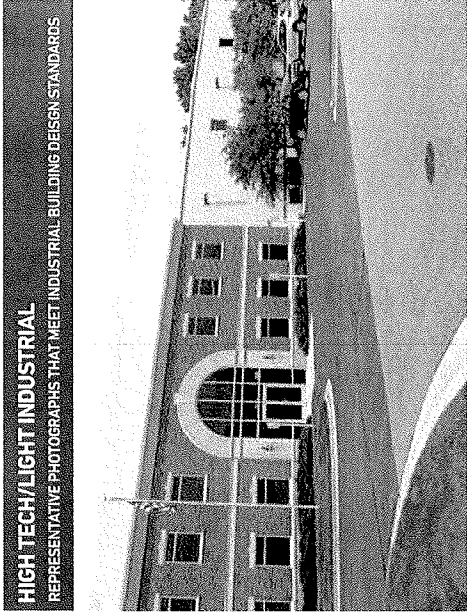
Outdoor Lighting Design Standards – Internal to the Site:

- Direct or reflected outdoor lighting shall be designed and located to be confined to the site for which it is accessory. The maximum lighting levels at the property lines of any other property shall not exceed 0.2 footcandles.
- Lighting of building facades shall be from the top and directed downward with full cut-off shielding.
- The average lighting values for areas intended to be lit on commercial and industrial parcels shall not exceed 1.0 footcandles on average. The uniformity ratio (maximum to minimum) for all parking lots shall not exceed the current IESNA RP-20 uniformity ratio guideline. (Note: Current guideline is 15:1)
- Lighting fixtures for industrial properties shall meet the township maximum height of 30 feet and 10 footcandles with the following exceptions:
 1. The Township may permit maximum light levels of 12 footcandles on average (common with new LED lighting systems), designed to have no spillover onto adjacent properties and a maximum pole height of 35 feet to reduce the number of poles upon a finding that the result will provide more efficient lighting and aesthetics throughout the day.
 2. Provided that when lighting is adjacent to, and visible from, abutting residential properties, the maximum height of lighting poles shall be 20 feet unless the Township approves taller poles with a demonstration that it is an overall better lighting design in terms of aesthetics.
 3. Site lighting for non-residential uses shall not exceed 1.0 footcandles on average when a use is not open for business.

Outdoor Lighting Design Standards – Public Street Lighting:

- Streetlights in the public rights-of-way shall be the minimum necessary to provide adequate illumination for public safety and be designed to direct lighting downward onto the public rights-of-way.
- Luminaries installed up to the edge of any bordering property are permitted.
- Ornamental lighting will be installed as part of the northern entry features will be included (see bottom right for representative types of light fixtures). The fixtures will be selected during the design of the entry feature. The lighting could potentially also be installed along the Latson Road frontage along the right-of-way in the future as part of a corridor wide urban design project (see language in the PUD Agreement).
- Public street illumination shall use the most current American National Standard Practice for Roadway Lighting ANSI/IESNA RP-08 for all public street lighting.

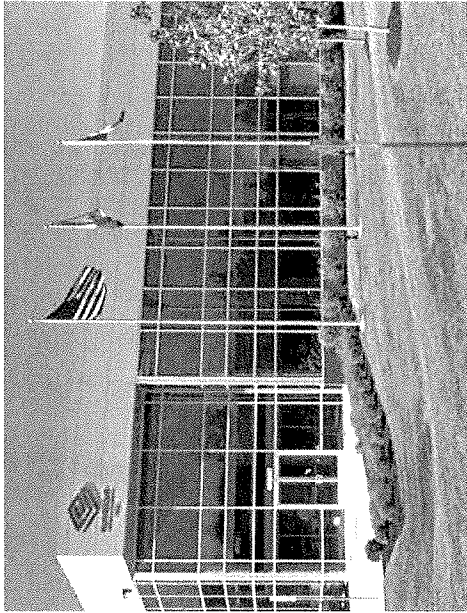
HIGH TECH/LIGHT INDUSTRIAL
 REPRESENTATIVE PHOTOGRAPHS THAT MEET INDUSTRIAL BUILDING DESIGN STANDARDS



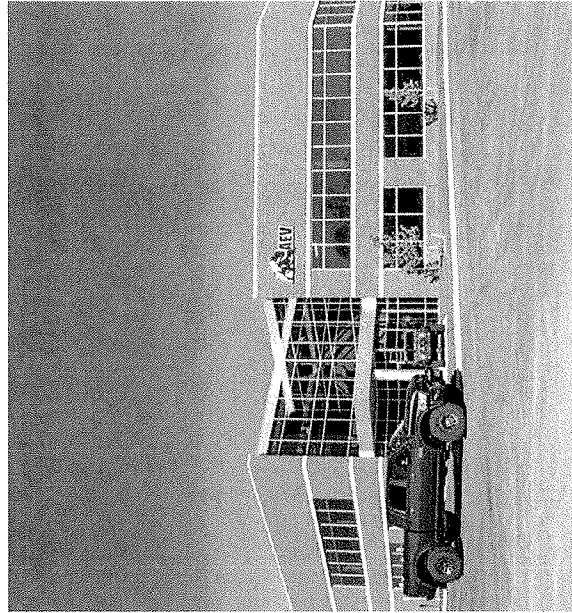
Rapid Packaging, Grand Rapids



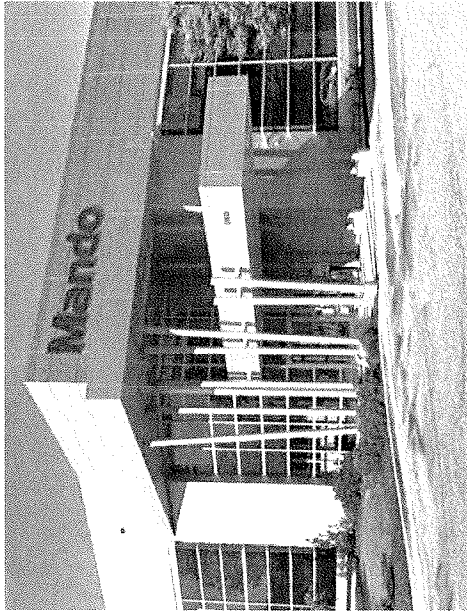
Kaivasaki Robotics, Lyon Township



BLM Group, Novi



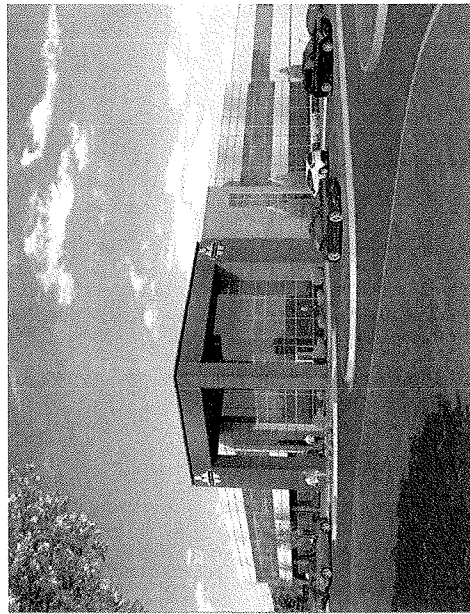
AEV, Lyon Township



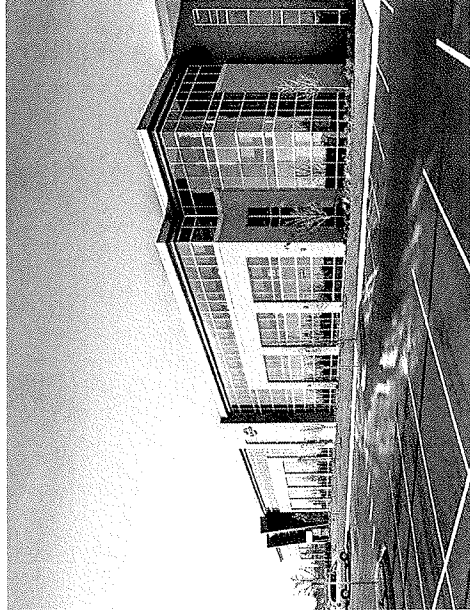
Mando, Novi



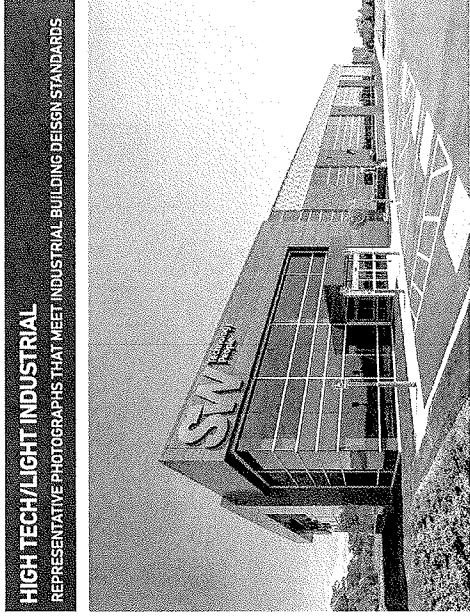
EPC Equipment and Engineering, Shelby Parkway Corporate Park



*Marinrea International, Auburn Hills
Image from Faudie Architecture

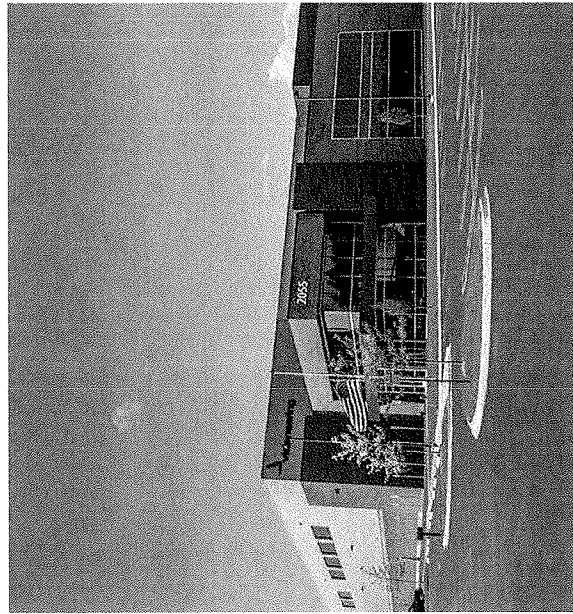


Harman International, Novi

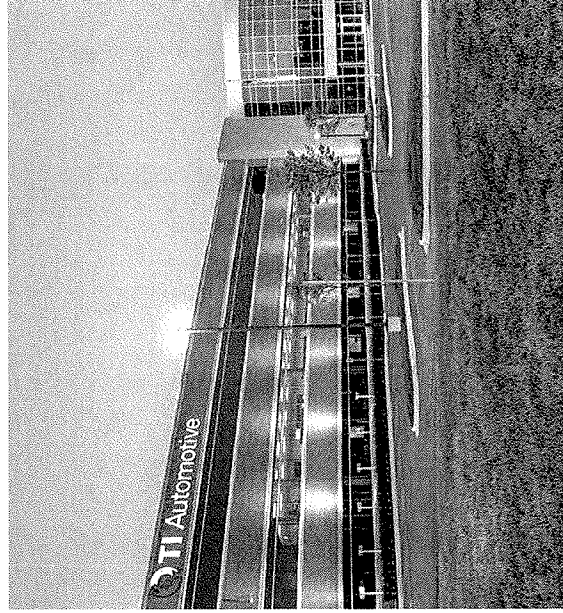


SW Technology People

HIGH TECH/LIGHT INDUSTRIAL
REPRESENTATIVE PHOTOGRAPHS THAT MEET INDUSTRIAL BUILDING DESIGN STANDARDS



Visioneering, Auburn Hills



Ti Automotive Headquarters, Auburn Hills



Magna

COMMERCIAL DESIGN GUIDELINES

A. Setbacks

- Design for development needs to ensure that building placement is generally oriented towards the street to encourage walkability and a pedestrian-friendly environment.

B. Parking and Access

- Development within such areas should occur within a planned, integrated commercial setting. Site design for parking areas and access points will promote safe and efficient circulation throughout the site.

- The access shall be aligned with the access drive for the industrial business park on the west side. The location shown may be shifted south to increase spacing from the rail crossing, at the site plan review phase with input from the Livingston County Road Commission.

- The amount of parking required for individual uses may be reduced to be efficient so that the peak parking demand is accommodated.
- Parking lots should be connected to promote shared parking and reduce the overall amount of impervious surface area.

C. Pedestrian Amenities

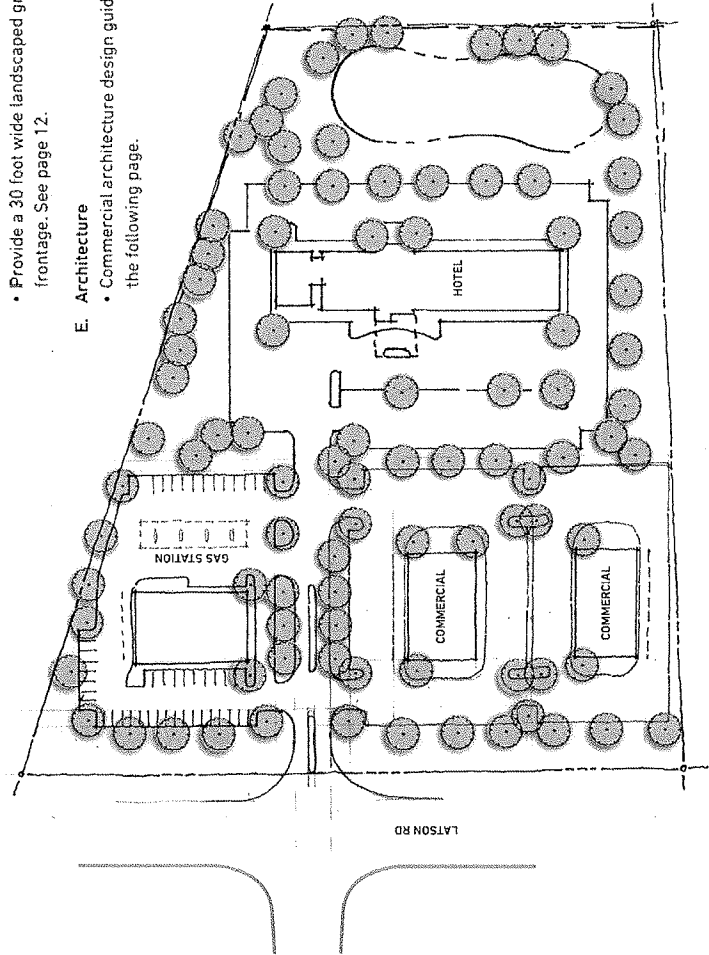
- Uses shall be connected with an interior sidewalk system so that pedestrians can walk between the uses, and to the crossing at the intersection with Latson Road.

D. Landscaping

- Plant consistent and plentiful native vegetation to provide an attractive entry into the southern part of Genoa Township and provide generous interior landscape that serves as a buffer between the buildings and parking lots as well as adjacent land uses.
- Street trees planted shall consist of no more than 10% of a single species, no more than 20% of any genus, and no more than 30% of any tree family.
- Provide a 30 foot wide landscaped greenbelt along the Latson Road frontage. See page 12.

E. Architecture

- Commercial architecture design guidelines are described in detail on the following page.



Commercial concept illustrates a potential layout and access configuration.

COMMERCIAL DESIGN GUIDELINES

COMMERCIAL DIMENSIONAL STANDARDS

Minimum setbacks:

Front Yard	70 feet (or 35 feet if no parking is located in the front yard)
Side Yard	20 feet for each side plus an additional 0.5 feet per foot of height over 45 feet tall ¹
Rear Yard	50 feet
Parking Lot	20 feet front, 10 feet side and rear
Maximum Height	45 feet or 3 stories
Maximum Height of Hotel	57 feet or 4 stories ²

¹ Proposed new standard to provide greater side setbacks for taller buildings.
² As a Special Land Use, the Hotel may be increased to 65 feet or 5 stories, provided minimal distance from adjacent residential home is 500 feet and the Township determines the design is compatible with residential in the area in terms of views and lighting.

MINIMUM PARKING REQUIREMENTS

Retail Stores	1 space per 250 square feet
Gas Station	2 spaces per service bay, plus 2 spaces per employee, plus 1 space per tow truck, plus 1 space per 500 square feet designated for sale items
Hotel	1 space per guest room, plus 1 space per 100 square feet of lounge, restaurants, conference or banquet rooms

*Cumulative parking may be shared to reduce overall parking provided

COMMERCIAL ARCHITECTURAL DESIGN GUIDELINES

The following guidelines apply to all commercial types within the Innovation Exchange PUD to promote and enforce high-quality architectural design for building sides, including gas stations (see precedent photo), visible from a road or parking lot. Retail uses are anticipated to be predominantly 1 to 2 story flat roofed buildings.

A. General Design Theme.

- These architectural requirements are generally intended to provide consistent architectural quality among buildings and other improvements within the Latson Road corridor and Innovation Exchange.
- These guidelines are intended to generate architectural cohesion, however some architectural variation is allowed that is consistent with the overall design theme.
- All structures shall be thoughtfully designed in a manner that visually and functionally complements the existing context.

B. Building Elevations.

- If more than one story, a different architectural treatment may be employed on the ground floor facade than on the upper floors to enhance the experience of visitors/patrons.
- All building facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or three-dimensional cornice.
- Excluding windows, doorways, and associated decorative trim, 75% of the total area (square feet) of the front facade of commercial buildings, excluding hotels, shall be brick. This also includes facades visible from Latson Road and the site parking lots.
- Excluding windows, doorways, and associated decorative trim, 50% of the total area (square feet) of the side facades of commercial buildings, excluding hotels, shall be brick. This also includes facades visible from Latson Road and the site parking lots.
- Hotel building materials will be similar to the existing hotel in Genoa Township on the north side of the Latson Road interchange as well as other newer hotels along I-96 (see example precedent photo).
- The following items are prohibited: Texture 1-11, aluminum siding or asbestos or asphalt shingles shall not be used on the exterior walls.
- Building facades, which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet.
- Offsets may be met with setbacks of the Building Facade and/or with architectural elements (i.e. arcades, columns, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.

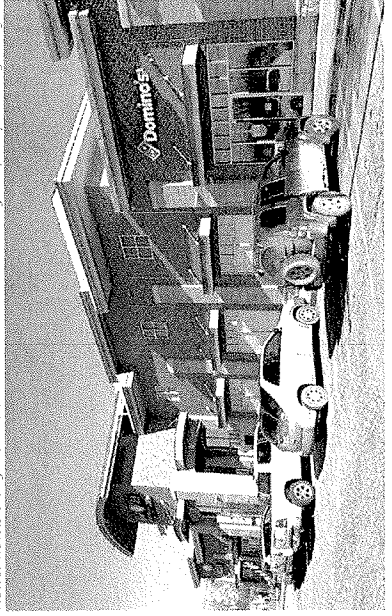
COMMERCIAL DESIGN GUIDELINES BUILDING DESIGN PRECEDENTS



Example of a gas station adhering to greater design standards.



Newer hotels along the I-96 corridor that demonstrate higher quality building design.



C. Roofs.

1. Pitched Roofs:
 - Shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.
 - If standing seam panels are used then they shall be: 1) gray, black, dark blue, dark green, barn red or dark brown; and 2) made of a non-reflective material.
 - Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings.
2. Flat Roofs
 - Flat roofs are permitted if edged by a parapet wall on the front and side facades with an articulated, three dimensional cornice.
 - Parapet walls shall be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include screening elements for roof-mounted equipment).

D. Lighting and Signs

1. Site Lighting
 - Site lighting, within the commercial area, shall be LED based, consistent in style, color, and design and in accordance with the Township Zoning Ordinance standards.
 - All site lighting fixtures shall have a maximum height of twenty (20) feet. The maximum light levels on these properties shall not exceed 10 footcandles on average (common with new LED lighting systems), except the fueling area for a gas station is allowed an average of 12.4 foot candles. Lighting will otherwise be in accordance with the Township Zoning Ordinance lighting standards
 - With the exception of low intensity architectural lighting, exterior wall mounted lights and pole mounted lights shall incorporate overhead cutoffs or fixtures that direct the light downward.
2. Retail signs and other signs shall conform with the Township Ordinances.



Building Design Precedents demonstrating the design guidelines.

NORTH EDGE VISUAL ENHANCEMENT ZONE DESIGN GUIDELINES

The following guidelines apply to the North edge. The intent is to provide "front door" type views for building facades and areas that can be seen from traffic along I-96 or Beck Road. The area where this additional design requirement may apply is illustrated on the sight line study (right). As site plans are submitted, the Township will consider the size of the building, its height, setbacks, presence of loading docks, parking, and other activities. Those factors will be used to determine the extent that the following may be necessary to meet the intent:

EXTERIOR BUILDING MATERIALS AND LAYOUT

- Exterior building walls visible from I-96 or Beck Road shall be similar to building materials used on the front facade, and/or additional landscape will be provided to screen views, or fill in gaps in views.
- Dock doors shall be located on the building walls that are not directly visible or shall be screened with landscaping along the site boundary.
- Buffers and landscaping may be reduced or modified in consideration of the distance from the interchange or if woodlands are preserved to achieve the intent of these guidelines.

SIGHT LINE STUDY

A



EXISTING CONDITIONS



SIMULATED VIEW

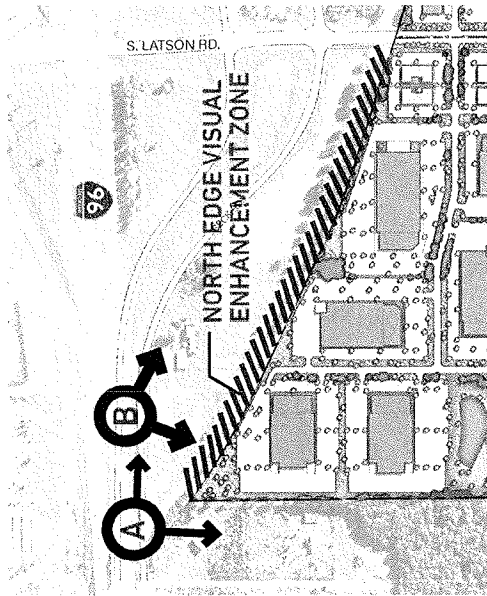
B



EXISTING CONDITIONS



SIMULATED VIEW



LATSON ROAD STREETSCAPE AND LANDSCAPE GUIDELINES

ACCESS
 Two access points are proposed along Latson Road. The northern access will align with the accessory commercial on the east side. It is anticipated that this access will be signalized as recommended in the traffic impact study. This location may be shifted slightly south during the final design phase, to increase spacing from the railroad crossing, pending a review by the Livingston County Road Commission when construction is proposed. Provisions for improvements are described in the PUD Agreement.

The southern access is shown as offset with the current Sweet Road on the east side of Latson Road (see sketch). This alignment may be modified to more closely align with Sweet Road, if approved by the Township and the Livingston County Road Commission (see overall concept). There is also a possible future road connection shown to the vacant property to the south.

TRAFFIC SIGNALS

- Two traffic signals are proposed, one at both the north and south entrances with appropriate improvements. These may initially be installed with flashing phases until the traffic counts meet the level for activation required by the Road Commission.
- It is anticipated that mast arm signals would complement the Latson Road entrance features.

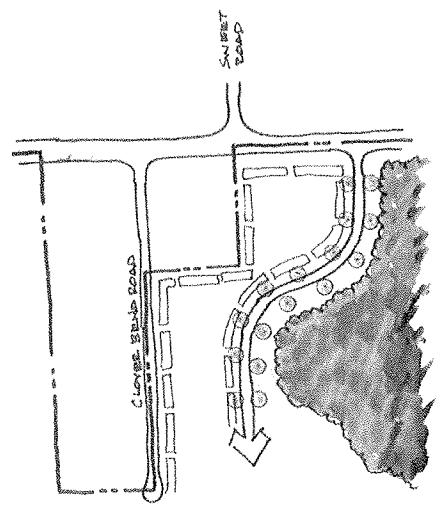
LATSON ROAD FRONTAGE STREETSCAPE GUIDELINES

- Generally a 30-foot landscaped greenbelt (see illustrations labeled "Option 1" and "Option 2") shall be installed along the east and west sides of Latson Road.
- Larger trees than the minimum sizes typically required:
 - Deciduous Tree: 3-4 inch caliper (with minimum average size of 3.5 inches)
 - Ornamental Tree: 2.5 - 3.5 inch caliper
 - Evergreen Tree: 10 - 14 feet tall (with minimum average size of 12 feet tall)
 - Shrubs and Hedges: 30-36 inches tall
 - Canopy Tree: 3 inch caliper
 - Deciduous Ornamental Tree: 2 inch caliper
 - Evergreen Tree: 6 foot height
 - Deciduous Shrub: 2 foot height
 - Upright Evergreen Shrub: 2 foot height
 - Spreading Evergreen Shrub: 18" - 24" spread

REQUIRED GREENBELT ALONG STREET FRONTAGE

For all other public roads outside of Latson Road, a twenty (20) foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree, rounded upward, for every fifty (50) linear feet of frontage. The Planning Commission may approve clustering of trees or substitution of evergreen trees for up to fifty percent (50%) of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massings.

Sweet Road offset alignment concept

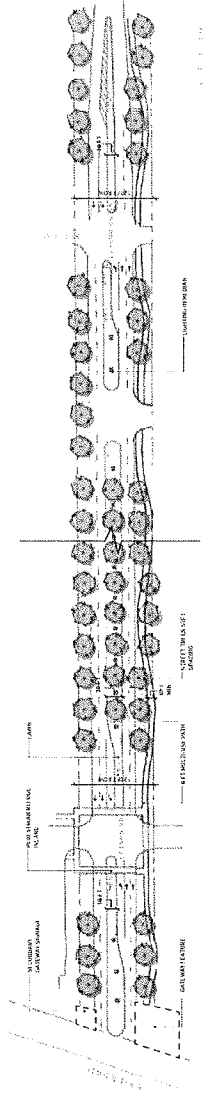


- OVERALL MINIMUM STREETSCAPE SIZES**
- Outside of the Latson Road Greenbelt, the minimum required plant sizes shall be as follows:
 - Deciduous Canopy Tree: 2.5" caliper
 - Deciduous Ornamental Tree: 2" caliper
 - Evergreen Tree: 6' height
 - Deciduous Shrub: 2' height
 - Upright Evergreen Shrub: 2' height
 - Spreading Evergreen Shrub: 18" - 24" spread

LATSON ROAD LANDSCAPING AND IMPROVEMENTS

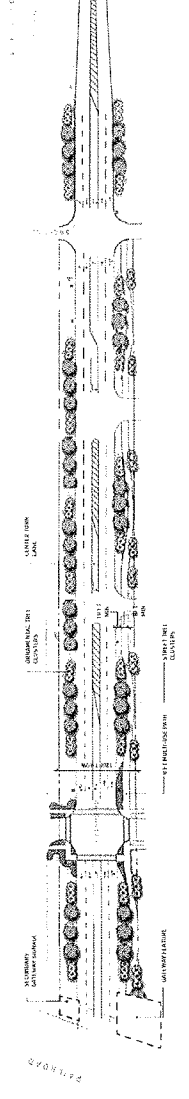
Two options for landscape design along Latson Road are shown below. The level of road improvements anticipated is described in the separate Traffic Impact Study. Versa only controls part of the Latson Road frontage shown, therefore, coordination will be needed between the County, Township, and other property owners. Right-of-way to accommodate future improvements to Latson Road is provided. See details in the PUD Agreement.

OPTION 1



This option shows a potential median along Latson road, which would need to be endorsed by the Livingston County Road Commission. This PUD reserves sufficient right-of-way to accommodate this alternative along the frontage owned by Versa.

OPTION 2



Option 2 shifts much of the median landscaping, illustrated in Option 1, to the greenbelt along each side of Latson Road.

PARKING LOT LANDSCAPING

- **Required Parking Area Landscaping** shall be in accordance with Section 12.02.04 Required Parking Area Landscaping of the Genoa Township Zoning Ordinance.
- Off-street parking areas containing ten (10) or more parking spaces shall be provided with landscaping in accordance with the following table. A minimum of one-third (1/3) of the trees shall be placed on the interior parking area and the remaining may be placed surrounding the parking lot within 18 feet.

MINIMUM TREES IN THE PARKING AREA	
10 - 100 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 10 spaces.
101 - 200 spaces:	1 Canopy tree and 100 sq. ft. of landscaped area per 12 spaces.
201 spaces or more:	1 Canopy tree and 100 sq. ft. of landscaped area per 15 spaces.

BUFFER ZONE LANDSCAPING

- Buffer Yard Standards shall be in accordance with Tables 12.02.03 A and B "Buffer Zone Requirements" and "Description of Required Buffer Zones" as required by the Genoa Township Zoning Ordinance.
- Buffers and landscaping may be reduced or waived if woodlands are preserved to achieve the intent.

Commercial Buffer Yard Requirements:

- For commercial uses adjacent to residential uses:
 - Minimum width: 20 feet
 - 6 foot high continuous wall or 3 foot high berm
 - 1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward
- For commercial uses adjacent to other commercial uses:
 - Minimum width: 10 feet
 - 1 canopy or evergreen tree or 4 shrubs per each twenty (20) linear feet along the property line, rounded upward

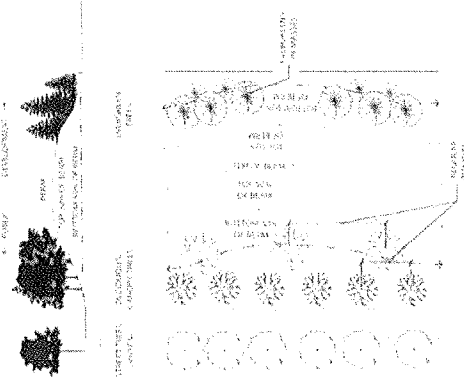
**DESIGN GUIDELINES
BUFFER ZONES**

Buffering Between Industrial and Residential or Commercial Uses.

- For industrial uses adjacent to residential uses:
 - Minimum width: 50 feet
 - 6 foot high continuous wall or 4 foot high berm
 - 1 canopy tree, 2 evergreen trees and 4 shrubs per each twenty (20) linear feet along the property line, rounded upward
- For industrial uses adjacent to commercial uses:
 - Minimum width: 20 feet
 - 6 foot high continuous wall or 3 foot high berm
 - 1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward

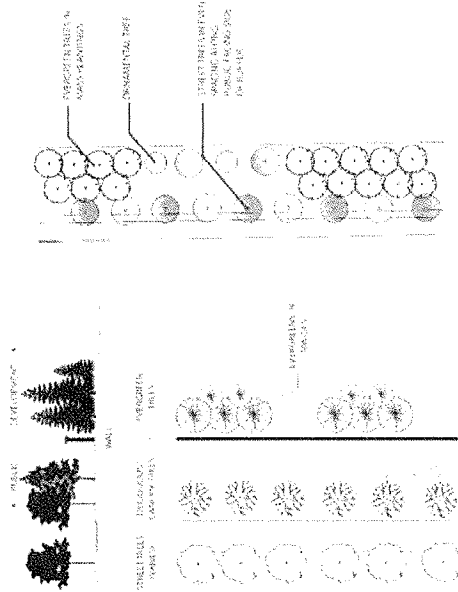
Notes:

- Existing quality trees (hickory, oak, maple) with a caliper of at least eight (8) inches shall count as two (2) trees toward the buffer requirements.
- Canopy trees shall have a minimum caliper of 2.5 inches at the time of planting.
- Evergreens shall have a minimum height of six (6) feet at the time of planting.
- At least 50% of the shrubs shall be 24 inches tall at planting, with the remainder over 18 inches.



TYPE A: BUFFER ZONE WITH BERM

BUFFER ZONE REQUIREMENTS			
<i>Adjacent District for Use</i>			
Proposed Use	SF	MF or MHP	Commercial
Commercial/Office	C	C	C
Industrial	A/B	A/B	B/C



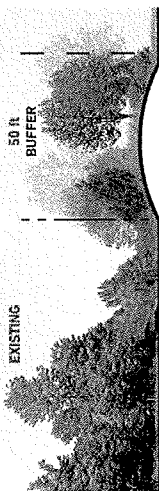
TYPE B: BUFFER ZONE WITH WALL

TYPE C: BUFFER ZONE BETWEEN STREET AND BUILDING

OPEN SPACE CONCEPT AND REPRESENTATIVE AMENITIES

This concept illustrates a potential layout that would be consistent with the PUD Agreement and Design Guidelines for the roads, development areas, wetlands, detention, open space, pedestrian system, entrance features and other amenities. The actual layout will vary based on more detailed site engineering evaluation, building/lot sizes, specific nature and needs of the business and users' proposed space and other building requirements, and other factors. More specific plans for the overall development, consistent with the intent will be submitted with future site plans.

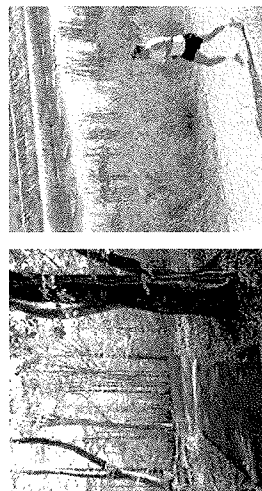
50 FT PLANTING BUFFER



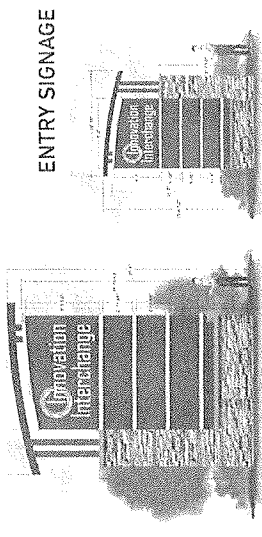
DETENTION PONDS WITH OPEN SPACE AMENITIES



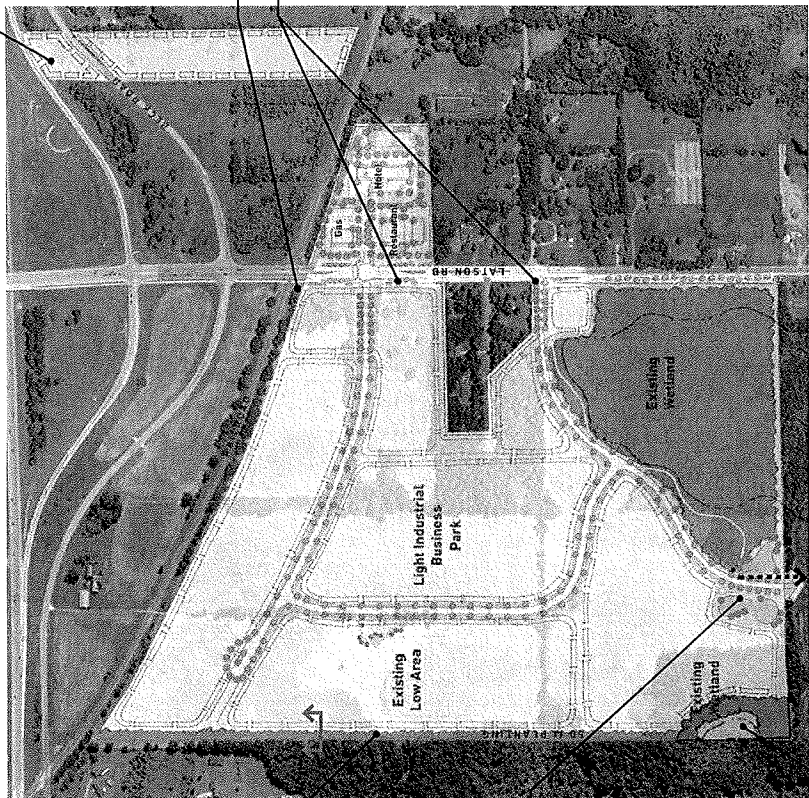
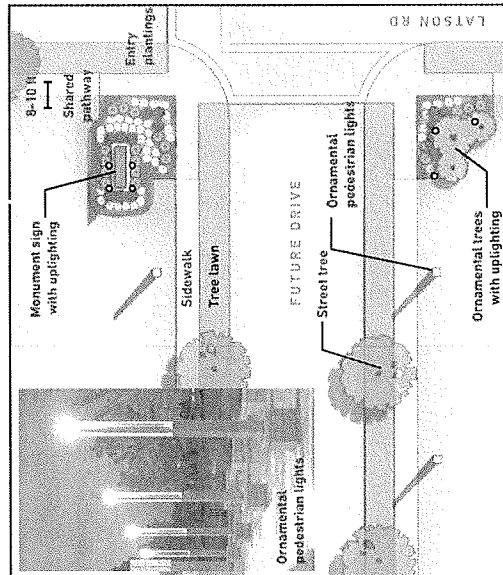
WETLAND OPEN SPACE



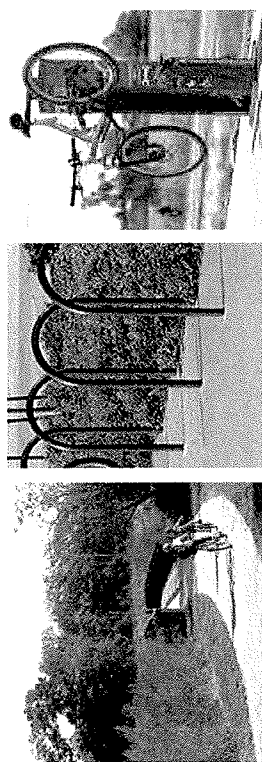
DEVELOPMENT HIGHWAY SIGNAGE



**TOWNSHIP GATEWAY SIGN AREA
ENTRY SIGNAGE LANDSCAPE PLAN**



POTENTIAL TRAIL CONNECTION TO MARION GENOA DRAIN TO SOUTH



OVERALL INDUSTRIAL CAMPUS AMENITIES

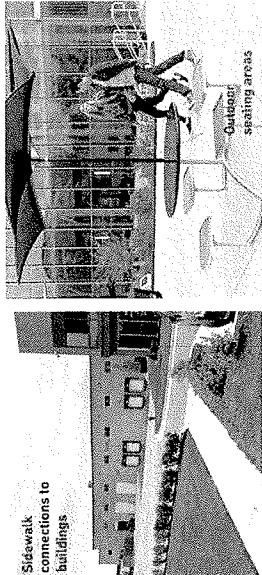


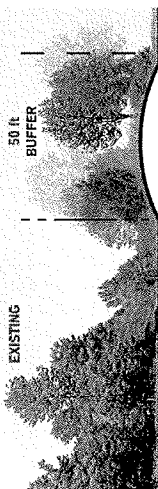
EXHIBIT 9

(Concept Open Space and Amenity Plan)

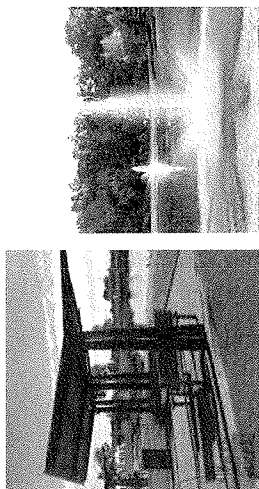
OPEN SPACE CONCEPT AND REPRESENTATIVE AMENITIES

This concept illustrates a potential layout that would be consistent with the PUD Agreement and Design Guidelines for the roads, development areas, wetlands, detention, open space, pedestrian system, entrance features and other amenities. The actual layout will vary based on more detailed site engineering evaluation, building/lot sizes, specific nature and needs of the business end users' proposed space and other building requirements, and other factors. More specific plans for the overall development, consistent with the intent will be submitted with future site plans.

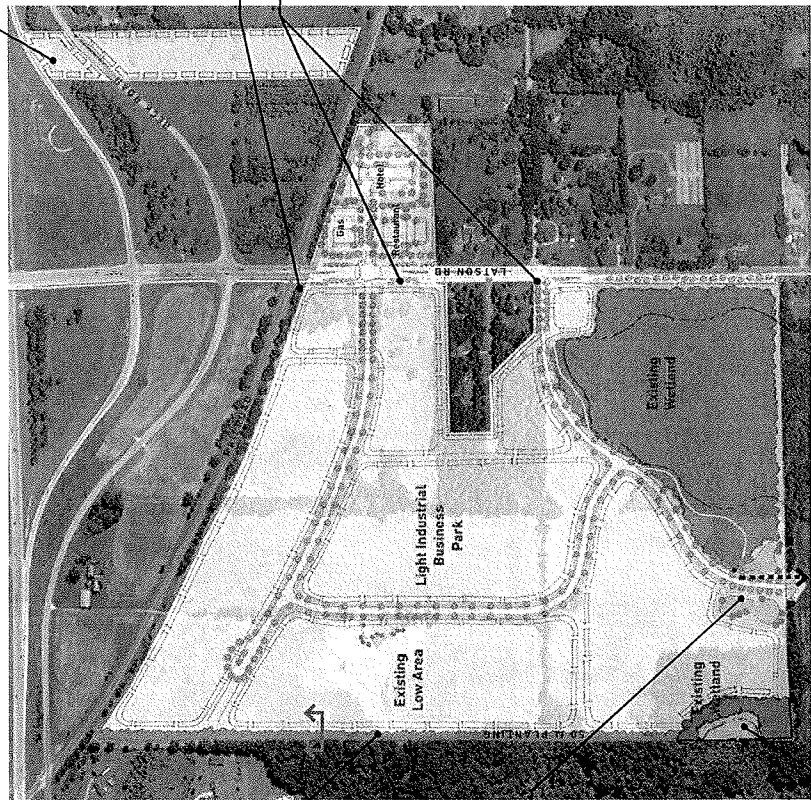
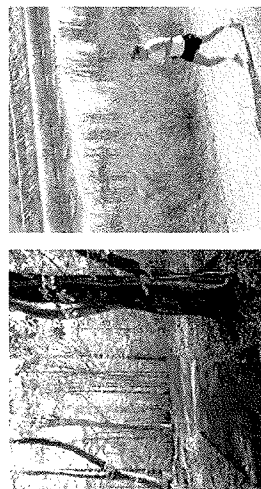
50 FT PLANTING BUFFER



DETENTION PONDS WITH OPEN SPACE AMENITIES



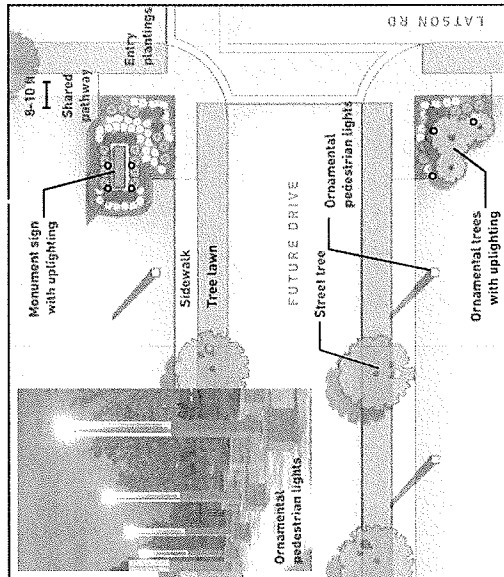
WETLAND OPEN SPACE



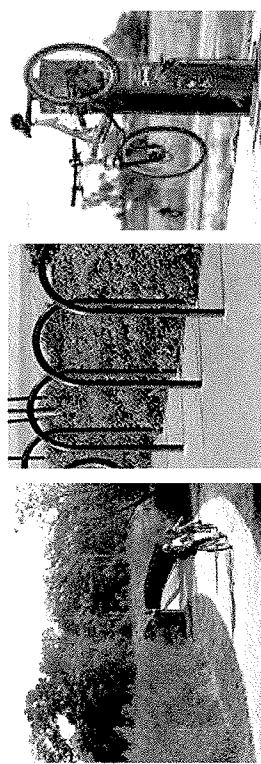
DEVELOPMENT HIGHWAY SIGNAGE



**TOWNSHIP GATEWAY SIGN AREA
ENTRY SIGNAGE LANDSCAPE PLAN**



POTENTIAL TRAIL CONNECTION TO MARION GENOA DRAIN TO SOUTH



OVERALL INDUSTRIAL CAMPUS AMENITIES

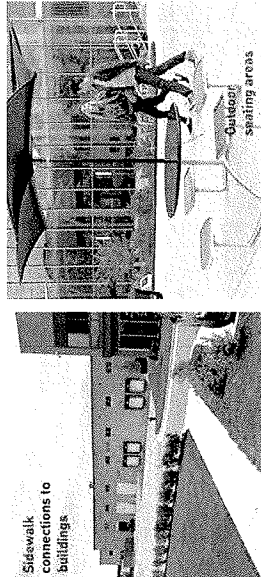
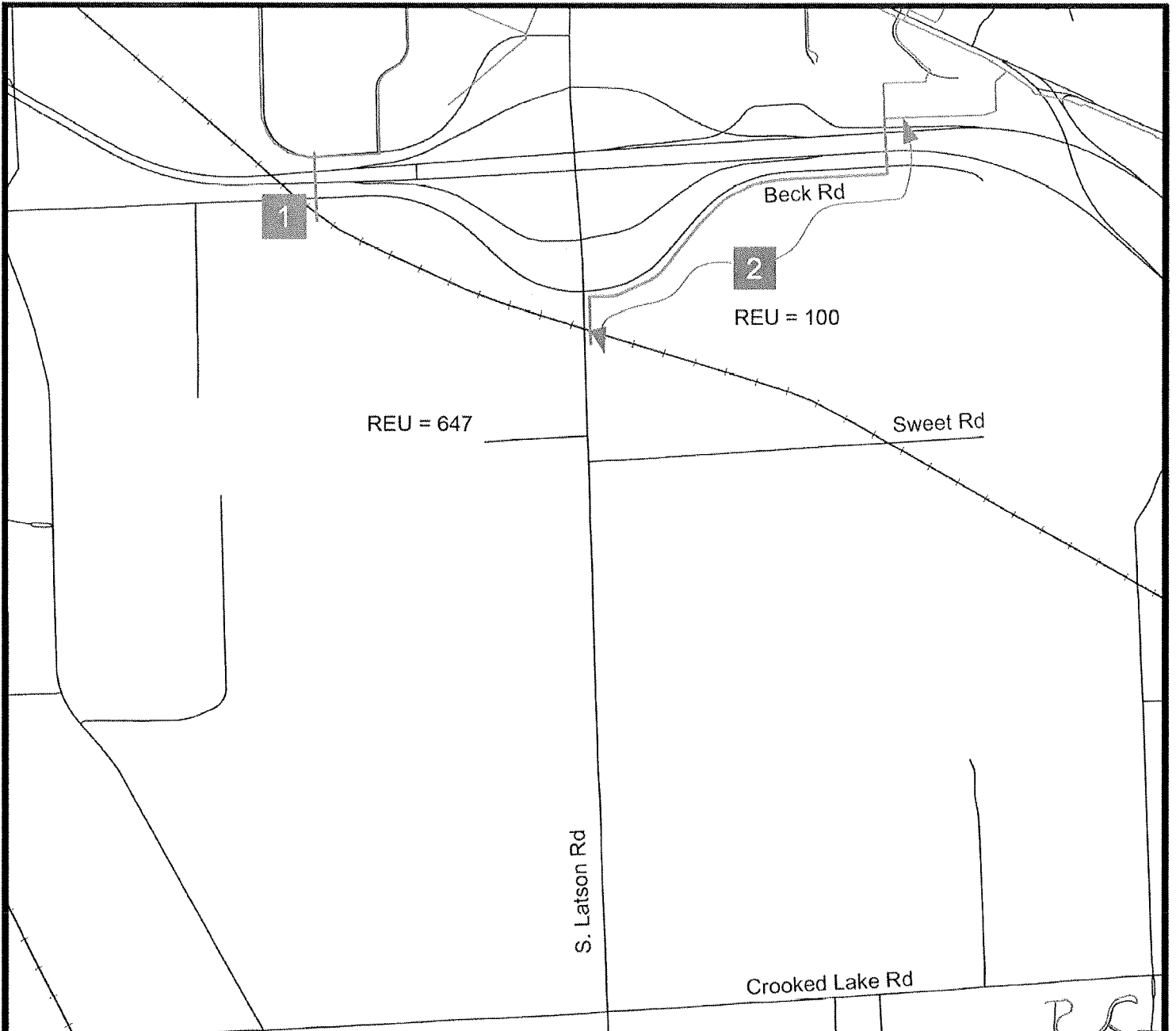


EXHIBIT 10

(Concept Utility Connection Plan)



Legend

— Proposed Water Main

— Water Main

S. Latson Rd Service Area

Name

Area B

Area D


ID	Description
1	655 feet of 12-inch Water Main
2	4300 feet of 12-inch Water Main

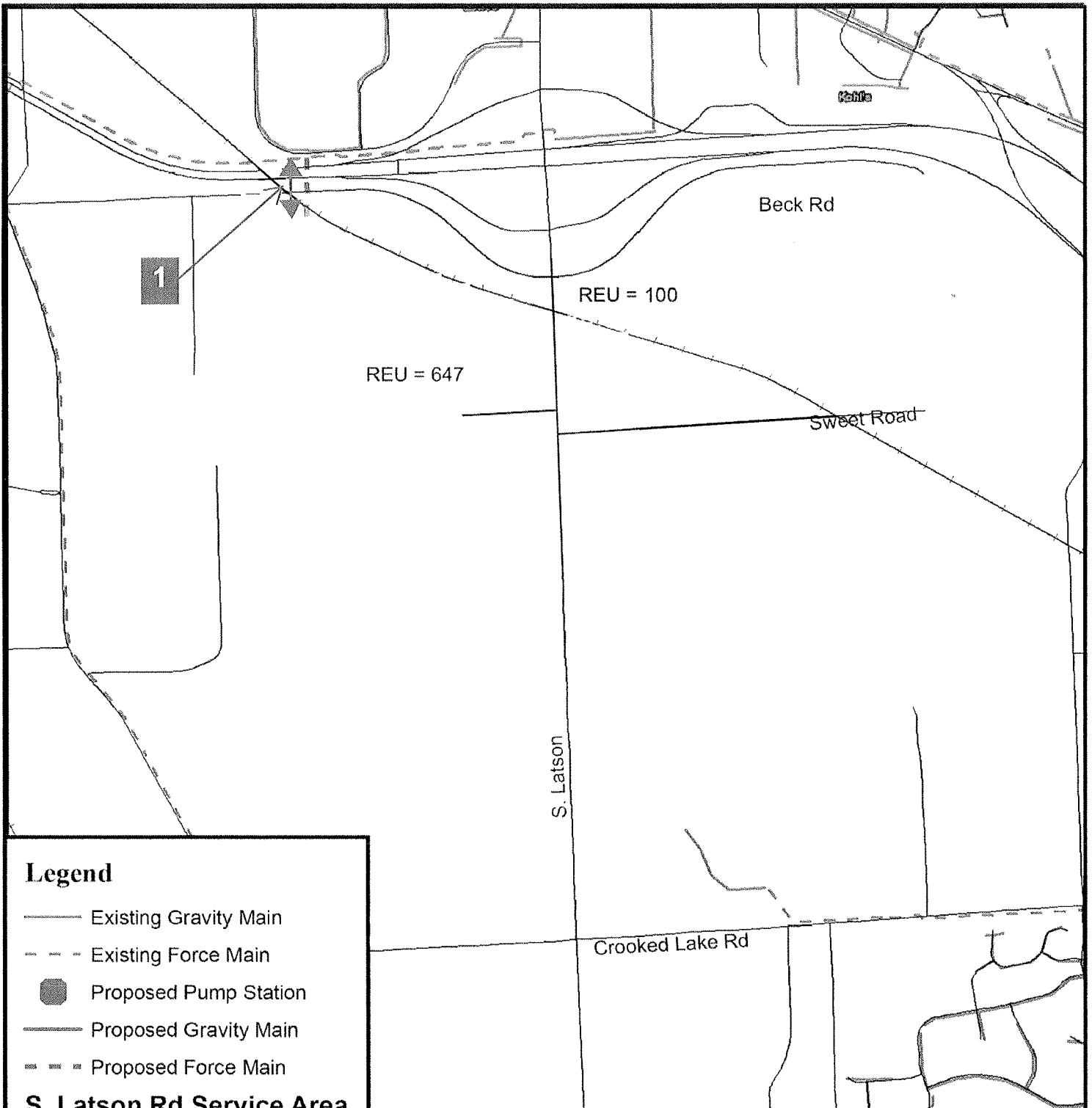
1 inch = 1,500 feet

Figure 1
Water Distribution Infrastructure

Date: 3/2/2018

Note: This is a graphical representation of the required improvements. Final routing and location will be required during the design phase.





Legend

- Existing Gravity Main
- - - Existing Force Main
- Proposed Pump Station
- Proposed Gravity Main
- - - Proposed Force Main

S. Latson Rd Service Area

Name

- Area B
- Area D

ID	Description
1	614 LF SANITARY FORCEMAIN

1 inch = 1,500 feet

Figure 2

Date: 3/2/2018

Sanitary Sewer Collection Infrastructure

Note: This is a graphical representation of the required improvements. Final routing and location will be required during the design phase



EXHIBIT 11

(Utility Construction Agreement without Exhibits)

**AGREEMENT REGARDING CONSTRUCTION
OF SANITARY SEWER AND WATER PROJECT**

This **Agreement Regarding Construction of Sanitary Sewer And Water Project** (the “Agreement”) is made as of _____, 2020 (the “Effective Date”), by and between Latson Partners, LLC, Latson Farms, LLC and Covenant of Faith, LLC (collectively, the “Developer”), whose address is 326 E. Fourth Street, Suite 200, Royal Oak, Michigan 48067, on the one hand, and the Charter Township of Genoa (the “Township”), whose address is 2911 Dorr Road, Brighton, Michigan 48116, on the other hand.

RECITATIONS

A. Developer and its affiliated entities are the owners of approximately 200 acres of land located on the west and east sides of Latson Road, south of the I-96 expressway in Genoa Township, as more particularly described on attached **Exhibit 1** and depicted on the Project Area Plan and Survey attached hereto as **Exhibit 2** (the “Property” or “Project Area”).

B. In order to carry out a proposed long-term development plan of research, office, light industrial, high tech, commercial and other business development, Developer submitted a request to rezone the Property in accordance with Article 10 of the Township’s Zoning Ordinance (referred to herein as the “Project” or “Innovation Park”). At its regular meeting held on August 3, 2020, the Township Board approved the PUD rezoning, the Conceptual PUD Site Plan and execution of a PUD Agreement.

C. The Project will be served by public sewer and water. The Township, through its consulting engineers, TetraTech, has developed a South Latson Road Water and Sanitary Sewer Improvement Plan (the “Utility Plan”) in order to extend public sewer and water to serve the Township’s “Interchange Planned Unit Development” districts described in the Township’s

Zoning Ordinance, and which districts include the Property. Under the terms of the PUD Agreement, the Developer agreed to undertake the construction of the Utility Project, as defined below, and serve as construction manager for the Utility Project in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the sufficiency of which the parties hereby acknowledge, Developer and the Township agree as follows:

1. **Description of Sewer and Water Construction Project.** The Sewer and Water Construction Project (the “Utility Project”) includes the permitting, bonding, materials, construction, layout, installation, restoration, testing, construction inspection and dedication of: (a) a 10” force main sanitary sewer from the existing dual 12” transmission main from Grand Oaks Drive across I-96 to the northwest corner of the Latson Farm Parcel south of the CSX railroad tracks; and (b) a 12” water main from Kohl’s across I-96 to Beck Road then west to Latson Road and south across the CSX railroad tracks and a 12” water main from Grand Oaks Drive across I-96 to the northwest corner of the Latson Farm Parcel south of the CSX railroad tracks, as depicted on **Exhibit 3** and described on the Engineering and Design plans dated July 26, 2019, prepared by TetraTech and attached as **Exhibit 4**, and the CSX Railroad Crossing Plans dated July 24, 2019, prepared by TetraTech and approved by CSX and attached as **Exhibit 5**. Exhibits 4 and 5 are collectively referred to herein as the “Construction Plans.” The scope of this Utility Project shall not include any on-site sewer and water improvements to serve the Project, including the sanitary sewer pump station described in the PUD Agreement, nor shall the scope of this Utility Project include any sewer and water lines extended down Latson or any other public road or private property. Future utility improvements necessary to serve the Project

will be designed and installed as part of final site planning and construction of each phase of the Project.

2. **Preparation of Plans, Specifications and Regulatory Matters.** The Township, at its expense, agrees to make the necessary submissions to and obtain the approvals and permits for the Utility Project listed as Township responsibilities in **Exhibit 6** hereto (the “Township Approvals”), and to complete the design and engineering of the Utility Project in accordance with applicable requirements of the Township and all other applicable regulatory agencies and sewer and water authorities. The water supply is provided by MHOG (Marion, Howell, Ocoola and Genoa) Sewer & Water Authority and the sewer service is provided by the G-O (Genoa, Ocoola) Sewer & Water Authority (MHOG and G-O are collectively referred to as the “Authorities” or individually as an “Authority”). Developer or its contractor shall be responsible for pulling the additional permits, licenses and/or approvals and paying the fees necessary to undertake and complete construction of the Utility Project listed as Developer responsibilities in **Exhibit 6**. The Township shall cooperate and assist Developer with respect to Developer’s efforts in obtaining such permits, licenses and approvals.

3. **Design of Project.** Developer acknowledges receipt of the Construction Plans for the Utility Project. Developer has made all reviews it deems necessary and by entering into this agreement acknowledges that the Utility Project is able to be constructed in accordance with the Construction Plans as presented. The Developer, however, is not assuming any responsibility for errors or omissions in the Construction Plans. Developer acknowledges that neither the Township nor its engineers have made any representation as to site conditions. Developer acknowledges and agrees that unknown site conditions may impact construction of the Utility Project.

4. **Construction of the Utility Project.** Developer will contract directly with a contractor to undertake the Utility Project. The identity of the proposed contractor will be provided to the Township for administrative approval, which approval shall not be unreasonably withheld or delayed. The Township's engineers and/or operators and agents of Livingston County or the applicable sewer and water Authorities, if such is required by Livingston County and/or said Authorities, shall monitor the installation and testing of the Utility Project.

5. **Developer to Pay Costs of Utility Project Construction.** Developer agrees to pay all actual costs and expenses necessary to complete the construction and installation of the Utility Project. Provided, however, the scope of this Utility Project does not obligate the Developer to pay for any work or services already performed by TetraTech or for any laterals, stubs, house leads or any other improvements that would serve properties along the path of the Utility Project or to extend such utilities across the Property's public road frontage along Latson Road. Developer shall also secure and pay for those costs and expenses customarily and ordinarily charged for review, testing and inspections by the State, County and/or sewer and water Authorities, but not for the Township, which shall bear its own costs for inspection, review and/or testing of the Utility Project.

6. **Easement Costs.** It is the understanding of the parties that the proposed Utility Project does not require the acquisition of new easements or rights-of-way. However, in the event such understanding is incorrect and that some off-site easements, rights of way and/or similar rights (collectively, the "Easements") must be obtained for the construction of the Utility Project, it shall be the responsibility of the Township to obtain same. If easements are required from Developer along its property, Developer shall provide such easements at no cost to the Township for assignment to the Authorities. The Developer agrees to contribute up to \$10,000

for Easement Acquisition Costs defined below. The Township shall be responsible for all costs and expenses in excess of the Developer's contribution associated or incurred in connection with acquisition of the easements (except as provided above with respect to easements from Developer), including, without limitation, surveying costs, title work, preparation of legal descriptions, appraisals, legal fees and acquisition costs (the "Easement Acquisition Costs"). The parties will also cooperate in agreeing to reasonable plan revisions to re-locate portions of the Utility Project in the event certain easements cannot be timely obtained despite all reasonable and good faith efforts of the Township and Developer.

7. **Timing of Construction.** The Township and its engineering consultants will continue, at Township expense, the process of diligently obtaining the approvals set forth in Exhibit 6. Developer shall provide the name of its proposed contractor to the Township at least thirty (30) days prior to commencement of construction. The Developer also agrees to commence construction of the Utility Project no later than thirty (30) months after the date of this Agreement and, weather permitting, within ninety (90) days of receiving the Township's written approval of the contractor.

8. **Reservation of Sewer and Water Taps.** The Township will make available to Developer up to 647 sewer and water Residential Equivalent Units (REU's) as needed by Developer to serve the Project. Developer shall be required to pay a tap in fee/capital charge (the "REU Fee") in the amount of \$9,583 per REU for combined sewer and water taps. The REU Fees shall be due and payable at the time the Developer applies for a land use permit for those REUs utilized for the structure for which the land use permit is requested.

9. **Insurance.** During the course of construction, Developer (or its contractors) shall maintain appropriate public liability and worker's compensation insurance policies, with limits

reasonably satisfactory to the Township and with endorsements naming the Township and, if required, the applicable sewer and water Authorities, as additional insureds parties on such coverage.

10. **Indemnification.** Developer shall defend and indemnify the Township and hold it harmless from any loss, cost, damage, claim or expense, which arises out of and/or result from Developer's construction activities in connection with the Utility Project, other than from the intentional acts or omissions of the Township or any of the Township's employees.

11. **Ownership of Improvements.** The Utility Project shall be at all times deemed a public improvement and owned by the Township and may be assigned by the Township to the Authorities. The Township will accept ownership of and the responsibility for operating and maintaining the Utility Project.

12. **Intergovernmental Agreement.** The Township will enter into such intergovernmental agreements with Livingston County and/or the sewer and water Authorities, as may be necessary to carry out the Utility Project without unreasonable delay.

13. **Representations.** Both parties represent and warrant that the persons signing this Agreement have been duly authorized to execute this Agreement and perform their obligations hereunder.

14. **Entire Agreement.** This Agreement and the Exhibits hereto, which are incorporated herein by reference, contain the entire understanding between the parties concerning the subject matter hereof, and the Agreement may not be changed, modified or altered except by an agreement in writing signed by both parties.

15. **Choice of Law.** This Agreement shall be interpreted and construed in accordance with the laws of the State of Michigan.

16. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, successors and assigns. It is expressly understood that Developer may assign or transfer this Agreement in writing to another person, entity or business, including one in which it may have no interest. Provided that the assignee or transferee agrees in writing to be bound by the terms hereof, and provided that the Township is given advance notice of such assignment/transfer and agrees that such writing satisfactorily binds the assignee/transferee to the terms of this Agreement (which agreement shall not be unreasonably withheld or delayed), such assignment shall be deemed approved and Developer shall have no further liability or responsibility under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date written above.

Charter Township of Genoa

By: _____

Its: _____

Dated: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this ____ day of _____, 2020 before me personally appeared _____ who, being by me duly sworn did say the he/she is the _____ of Charter Township of Genoa and has executed the foregoing Agreement on behalf of the Township.

_____, Notary Public
_____ County, Michigan
My Commission Expires:
Acting in the County of _____

Latson Partners, LLC, a Michigan limited liability
Company

By: _____
Todd Wyett

Its: Manager _____

Dated: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2020 before me personally appeared Todd Wyett who,
being by me duly sworn did say he is Manager of Latson Partners, LLC, a Michigan limited
liability Company, and that he executed the foregoing Agreement on behalf of the Company.

_____, Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

Latson Farms, LLC, a Michigan limited liability Company

By: _____
Todd Wyett

Its: Manager _____

Dated: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2020 before me personally appeared Todd Wyett who, being by me duly sworn did say he is the Manager of Latson Farms, LLC, a Michigan limited liability Company, and that he executed the foregoing Agreement on behalf of the Company.

_____, Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

Covenant of Faith, LLC, a Michigan limited liability Company

By: _____

Its: _____

Dated: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2020 before me personally appeared _____ who, being by me duly sworn did say he/she is the _____ of Covenant of Faith, LLC, a Michigan limited liability Company, and has executed the foregoing Agreement on behalf of the Company.

_____, Notary Public,
_____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

102984.000185 4839-0981-9080.3

Signature page to Agreement Regarding Construction of Sanitary Sewer and Water Project

EXHIBIT 12

(Excerpts from Zoning Ordinance)

102984.000185 4821-5130-2855.3

**ARTICLE 10
PLANNED UNIT DEVELOPMENT**

Sec. 10.01 PURPOSE

- 10.01.01 **Purpose.** The purpose of this Section is to permit the coordinated development on larger sites, protect significant natural features present which the property owner and Township wish to preserve, to provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space and natural features.
- 10.01.02 **Innovation in Land Use.** The PUD standards are provided as a design option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas. The PUD standards are not intended to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
- 10.01.03 **Flexibility in Design.** For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some specified situations the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD plan by the Planning Commission and Township Board in accordance with the requirements as herein set forth.
- 10.01.04 **Types of PUD's.** This article provides for seven (7) types of PUD: a residential overlay, a planned industrial/corporate district, a mixed use PUD district, a redevelopment PUD, a non-residential PUD District, and two separate PUD Districts for the S. Latson Road interchange area. The residential PUD, planned industrial PUD and redevelopment PUD are overlay districts that include supplementary standards, which apply simultaneously, or replace, standards of the underlying residential zoning district. The mixed use PUD, non-residential PUD, and two interchange PUDs are separate zoning districts.

(as amended 12/31/06 and 09/04/18)

Sec. 10.02 QUALIFYING CONDITIONS

The following provisions shall apply to all planned unit developments:

- 10.02.01 **Single Ownership.** The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- 10.02.02 **Initiated by Petition.** A PUD zoning classification may be initiated only by a petition.
- 10.02.03 **Minimum Site Area.** The site shall have a minimum area of twenty (20) acres of contiguous land, provided such minimum may be reduced by the Township Board as follows:
- (a) The minimum area requirement may be reduced to five (5) acres for sites served by both public water and sanitary sewer.
 - (b) The minimum lot area may be waived for sites zoned for commercial use (NSD, GCD or RCD) where the site is occupied by a nonconforming commercial, office or industrial building, all buildings on the site are proposed to be removed or rehabilitated and a use permitted within the underlying zoning district is proposed. The Township Board shall only permit the PUD on the smaller site where it finds that the flexibility in dimensional standards is necessary to allow for innovative design in redeveloping the site and an existing blighted situation will be eliminated. (as amended 12/31/06)
 - (c) Interchange Commercial and Campus PUDs: the Township Board may waive the minimum lot area where the design elements of a proposed development are integrated into and consistent with the broader Master Plan Latson Road Subarea Plans with compatible land uses (as amended 09/04/18)
- 10.02.04 **Benefits.** The PUD site plan shall provide one or more of the following benefits not possible under the standards of another zoning district, as determined by the Planning Commission:
- (a) preservation of significant natural or historic features;
 - (b) a complementary mixture of uses or a variety of housing types;
 - (c) common open space for passive or active recreational use;
 - (d) mitigation to offset impacts; or,
 - (e) redevelopment of a nonconforming site where creative design can address unique site constraints. (as amended 12/31/06)
- 10.02.05 **Sewer and Water.** The site shall be served by public sewer and public water. The Township may approve a residential PUD that is not served by public sewer or water, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department shall be met.

Sec. 10.03 TYPES OF PUD ZONING DESIGNATION

A property meeting the qualifying conditions may be rezoned to an appropriate PUD District, based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a PUD Conceptual Plan. The PUD designation shall be noted in the application, and on the Official Zoning Map upon approval.

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development (RPUD)	Overlay of a residential district	Open space or cluster housing projects with one or more types of residential uses	Same as underlying residential district	Sec. 10.03.01
Planned Industrial Parks (PID)	Overlay district of an Industrial District	Uses permitted in the Industrial and Office-Service Districts	Special land uses of the Industrial and Office-Service District	Sec. 10.03.02
Mixed Use Planned Unit Development (MU-PUD)	Separate zoning district	A mixture of public, residential, commercial, recreational or open space uses.	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.03
Redevelopment Planned Unit Development (RDPUD)	Overlay of a commercial district	Same as underlying district	Same as underlying district	Sec. 10.03.04
Non-residential Planned Unit Development (NR-PUD)	Separate zoning district	A mixture of public, office, commercial, light industrial, recreational and open space uses. See Sec. 10.03.05(c).	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.05
Interchange Commercial PUD (ICPUD)	Separate zoning district	See Sec. 10.03.06 c	Special land uses of the General Commercial or Regional Commercial District, as may be approved by the Township, except those specifically listed in Sec. 10.03.06 c	Sec. 10.03.06
Interchange Campus PUD (CAPUD)	Separate zoning district	See Sec. 10.03.06 c	See Sec. 10.03.06 c	Sec. 10.03.06

(as amended 12/31/06 and 09/04/18)

10.03.01 Residential PUD

- (a) **Density:** Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable township and county zoning and subdivision requirements. The Township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the RPUD. Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district and the definition of density. Where the Township Master Plan recommends a different zoning district than the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the Residential PUD overlay.
- (b) **Dimensional Standards:** The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the site plan indicating the cumulative reduction in lot areas and the corresponding

amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission may approve an RPUD without public water and sewer provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.

- (c) Open Space: All land within an RPUD that is not devoted to a residential unit, roadway or other improvement shall be set aside as common open space for recreation or conservation. The amount of open space shall be at least equal to the total area that proposed lots are reduced below the underlying zoning's minimum lot area; provided a minimum of twenty five percent (25%) of the site shall be open space. Common open space shall be planned in locations that are visible and accessible. The open space shall contain some form of active recreational facility such as a play-area. The common open space shall be located to preserve significant natural features, central to the residents of the development, along the county road frontage, adjacent to adjoining residential or to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The PUD agreement shall set forth open space protection measures as provided for in section 10.05.04.

10.03.02 **Planned Industrial District (PID)**

- (a) Dimensional Standards: All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District, as specified in the Table of Dimensional Standards, along the exterior boundaries of the PID site. Internal setbacks shall be determined by the Planning Commission during review of the PID concept plan. Maximum building height shall be consistent with the standards for the Industrial District.
- (b) Lot Areas: Minimum lot area shall be two (2) acres except up to twenty five percent (25%) of the total number of lots may be between one and one-half (1-1/2) and two (2) acres in area.
- (c) Design Standards: Buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use of masonry material, such as brick, stone or split face block, and glass on buildings and landscaping along internal roadways and around the perimeter of the PID. Metal paneling and plain concrete masonry units shall constitute no more than twenty-five percent (25%) of the facades of buildings visible from the internal roadway or any adjoining public roadway. (as amended 12/31/06)

10.03.03 **Mixed Use PUD**

- (a) Uses: A mixed use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A concept plan shall be prepared for the PUD that divides the PUD into components for various uses. Each component of the PUD shall be designated as a specific zoning district (e.g. Medium Density Residential or Office-Service). Areas devoted to each type of use shall be designated on the PUD Concept Plan. The concept plan may provide for vertical mixture of uses, such as office or residential above commercial. The mixed use PUD can be a mixture of housing types such as single family and multiple family or a mixture of uses such as residential and non-residential. The Planning Commission

shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, nonresidential uses, recreational area, or open space. The Planning Commission shall make this determination based upon the concept plan's ability to provide an integrated mixture of uses, maintain compatibility with surrounding uses, and meet the standards of section 10.07. The list of permitted uses shall be established by the Planning Commission in the PUD agreement. Not more than fifty percent (50%) of the PUD acreage shall be devoted to commercial, office or industrial and not less than fifty percent (50%) of the PUD acreage shall be devoted to open space, preserved natural features or residential use.

- (b) Open Space: A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors or located along road frontages. A minimum of 50% of the required open space shall be usable upland area.
- (c) Dimensional Requirements: All area and bulk dimensional standards shall comply with the dimensional standards for the associated zoning district designated on the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Residential portions of a PUD shall comply with section 10.03.01.
- (d) Parking. To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

10.03.04 **Redevelopment PUD**

- (a) A redevelopment PUD overlay shall only be applied to sites that have been previously developed for the purpose of a commercial, office, or industrial use, where redevelopment of the site will be an enhancement to the site and surrounding area, where all buildings on the site are proposed to be removed or renovated and a use permitted within the underlying zoning district is proposed. The redevelopment PUD shall only be applied to a site where the Township determines that flexibility in dimensional standards is necessary to allow for innovative design in redeveloping a site with constraints and where a clear public benefit is being derived.
- (b) To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A parallel plan shall be provided showing how the site could be redeveloped without the use of the PUD to allow the Planning Commission to evaluate whether the modifications to dimensional standards are the minimum necessary to allow redevelopment of the site, while still meeting the spirit and intent of the ordinance.

- (c) A table shall be provided on the site plan that specifically details all deviations from the zoning regulations. This specification should include ordinance provisions from which deviations are sought, the reasons the deviations are necessary and mechanisms to be utilized to mitigate any impacts. Only those deviations consistent with the intent of this ordinance shall be considered. As a condition of approving such deviations, the Township may attach such additional conditions deemed necessary for the protection of the public health, safety, and welfare in lieu of the regulations. (as amended 12/31/06)

10.03.05 Non-residential Planned Unit Developments

- (a) Size of Uses:
 - (1) A maximum sixty percent (60%) of the site, exclusive of public rights of way shall contain retail commercial uses such as shopping centers or freestanding retail/department stores including areas required for storm water, setbacks, parking and landscaping associated with such uses. The remainder of the site shall include open space, manufacturing, research and development, office, lodging, restaurants and/or entertainment related uses.
 - (2) No more than two retail uses shall have an individual floor area of 100,000 square feet or more, and no other individual commercial use shall have a floor area over 60,000 square feet.
- (b) A minimum twenty five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors. Open space is defined as undisturbed areas of key natural features, landscaped open space or pedestrian plaza areas, which commonly include outdoor seating and gathering areas. Detention areas shall comprise no more than 50% of the required open space and if visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall only be counted toward this requirement if designed to provide a natural appearance as described below.
- (c) Permitted Uses: All uses permitted by right or by special land use approval in the Commercial, Office and Public and Recreational Facilities Districts (NSD, OS, GCD, RCD and PRF) are permitted by right or special use under the PUD. Permitted uses shall also include Manufacturing Research or Research and Development Uses, defined as low intensity industrial uses that include a large office or laboratory component and that manufacture, package, assemble or treat finished or semi finished products from previously prepared material but do not process raw materials. The following are exceptions to the list of permitted uses:
 - (1) Auto sales, new and used
 - (2) Auto/gasoline service stations of any type, principal or accessory
 - (3) Auto maintenance or repair establishment of any type
 - (4) Automobile wash, automatic or self serve

- (5) Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or similar places of assembly except where accessory to a permitted office or lodging use
 - (6) Carnivals, fairs, commercial cider mills and amusement parks
 - (7) Churches
 - (8) Convenience stores with gasoline sales
 - (9) Permanent or temporary dome structures
 - (10) Fruit stands (outdoor sales of fruit and nursery goods) except when accessory to a permitted use
 - (11) Kennels, of any kind
 - (12) Laundromats
 - (13) Leasing or sales or display of trucks, trailers, boats, recreational vehicles, construction equipment and similar vehicles
 - (14) Mini storage warehouses
 - (15) Outdoor commercial display, sales, storage or temporary staging of items as a principal or accessory use, unless screened from public view
 - (16) Outdoor private recreation facilities such as, but not limited to, miniature golf, driving ranges, batting cages, go cart tracks, and in line skating rinks
 - (17) Restaurants with drive through facilities, except Township Board may approve up to one upon determination that the project shall be integrated into the design concept for the overall PUD
 - (18) Educational establishments including public schools, parochial schools, vocational trade schools, colleges, universities and commercial schools such as dance academies or martial arts studios
 - (19) Industrial uses, except for a research and development uses, and micro breweries associated with a restaurant
 - (20) Any other use not specifically authorized under the appropriate zoning district
- (d) Traffic Circulation, Operations and Access
- (1) A traffic impact study shall be provided as described in Article 18. Such study shall evaluate the impact of the project at each access point and existing major intersections where volumes from the PUD are projected increase daily or hourly volumes by 5% or more. The traffic study shall include methods to mitigate impacts, and describe timing and responsibility for funding such improvements.

- (2) Access shall be limited to one major entrance along any arterial, excluding an entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved.
 - (3) Access points shall be at least 600 feet from the intersection of arterial roadways or interchange ramps provided the spacing may be modified by the Township, with input from road agency staff, to minimize conflicts with traffic operations at intersections or existing access points, or to meet signal spacing standards if it is determined the access may require signalization.
 - (4) Main access points shall be spaced from existing signalized intersections to ensure proper spacing and progression if the main access point is signalized in the future. The site design shall direct traffic flow to use the main access points.
 - (5) Interior drives shall provide circulation between uses.
 - (6) Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
 - (7) Additional right of way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.
 - (8) A pedestrian circulation system shall be provided throughout the site and along existing arterials.
- (e) Site Design. The following site elements shall be provided:
- (1) An extensively landscaped greenbelt shall be provided along existing public streets. Said greenbelt shall include closely spaced street trees and hedge rows to screen the parking lot. Low, undulating (horizontal and vertical) berms or an architectural feature (decorative stone or brick wall, wrought iron fencing, or combination) may be permitted.
 - (2) Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets
 - (3) A Township entranceway landmark shall be provided near the intersection of any arterial streets or expressway ramps. The type and design of said landmark shall be determined as part of the conceptual plan approval.
 - (4) Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improve traffic operations and views.
 - (5) One parking lot tree shall be provided for each 2000 square feet of paved parking, including aisles, service areas, driveways and drives. At least 1/2 of

the parking lot trees shall be within the parking lot inside islands or medians. A majority of the islands shall be a minimum 18 feet wide. Landscape areas shall be irrigated.

- (6) Ornamental lighting shall be provided along arterials and throughout major circulation drive within the site.
 - (7) Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters or streetscape elements to separate mainline buildings from the parking lots.
 - (8) Any detention areas visible from the roadway, parking lot, residential dwellings, primary entrances to buildings or other predominant views shall have a maximum 6:1 slope and be designed to have a natural appearance, such as variable shape, natural arrangement of landscape materials, aerated fountains, and use of boulder accent walls or other similar design features.
 - (9) Unless otherwise provided in the PUD agreement, Signs shall comply with the standards of Article 16, provided sign types and materials shall be consistent with the overall architectural design of the PUD, and all freestanding signs shall be monument type with a base to match the building materials and landscaping around the sign integrated into the overall landscape plan. Wall and monument signs shall be channel cut letters on non illuminated background panels. Temporary window signs shall be prohibited.
- (f) Architecture. Information on architecture and building design (elevations or perspectives, materials and description of design standards) shall be submitted with the concept plan and comply with the following:
- (1) Architecture throughout the development shall be compatible based on a design theme established with the Concept Plan and described in the PUD Agreement.
 - (2) Buildings shall utilize high quality architecture with variable building lines, peaked roofs, architectural accents, and brick facades. Peaked roof lines shall not be designed to create false, parapet style facades.
 - (3) The depth of the front building line shall be varied to break up the building massing.
 - (4) The predominant material utilized on facades that are visible from a public right of way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.
 - (5) A building or buildings shall face (front facade or side elevation with appearance of a front facade) the intersection of existing arterial streets. The building(s) shall have distinct architecture that creates a prominent landmark at the intersection, with no loading or utility areas that face the intersection. There shall be a landscaped plaza in front of the building or between buildings. Parking shall be behind this building where practical.

- (g) Utilities. The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for the layout, size and phasing of utilities.

10.03.06 Interchange Planned Unit Developments (Commercial and Campus)

- (a) Intent. The intent of the Interchange PUDs is to promote comprehensive and long-term planning of appropriate land uses, innovative architectural design, high quality building materials, and a walkable environment for pedestrians.
- (b) Master Plan and Subarea Plans. All Interchange PUD proposals shall demonstrate conformance to the land use, site design, and access management strategies and recommendations contained within the Genoa Township Master Plan and Subarea Plans.

(c) Land Use.

(1) ICPUD: permitted land uses include restaurants (fast food, sit-down, and take out), auto/gasoline service stations, retail/service, hotels, entertainment (movie theaters, indoor commercial recreation, etc.), conference centers, financial institutions, and offices. The Township may permit additional compatible uses as part of the approval process. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township. All proposed uses shall comply with the conditions of Section 7.02.02.

(2) CAPUD: The intent of the CAPUD district is to provide locations in the Township to accommodate offices, laboratories, and related "high tech" uses, involved in such activities as engineering, design, research and development, robotics research, prototype development, demonstration and display laboratories, testing laboratories, and other research and high technology activities of similar character and intensity. On a limited basis, complementary uses are permitted, such as restaurants that primarily serve employees in the immediate area.

It is intended that such uses be located in attractive buildings on amply landscaped, carefully planned sites, and preserving significant natural features. The activities of such uses do not generate offensive external impacts and operations that generate high levels of noise, heat or glare, air pollution, odors, wastewater, or truck traffic, are not considered appropriate in this district. The list of permitted uses proposed for a development shall be included in the PUD Agreement for review and approval by the Township.

a. Principal permitted uses include :

- i. Research and development facilities.
- ii. Research and support laboratories.
- iii. Offices for the following occupations: executive, medical, dental, administrative, and professional, including architecture, planning, engineering and engineering sales.

- iv. Hospitals, clinics and medical research facilities.
 - v. Colleges, universities, and other institutions of higher learning.
 - vi. Corporate and technical education and training facilities.
 - vii. Multimedia production facilities.
 - viii. Microbrewer or small distiller.
 - ix. Data processing and computer centers, including computer programming and software development, training, and service of electronic data processing equipment.
 - x. Essential public services and structures, not including buildings and storage yards.
 - xi. Accessory uses, buildings, and structures customarily incidental to any of the above. Examples include security work, administration offices, and storage and distribution incidental to the primary use of the site.
- b. Special land uses include:
- i. Any permitted use over 40,000 square feet.
 - ii. Prototype manufacturing facilities for engineering, laboratory, scientific, electronic, and research instruments and equipment.
 - iii. Light industrial uses where activities involve high technology research and development type uses.
 - iv. Indoor commercial recreation or fitness centers (excluding dome structures).
 - v. Arenas, stadiums, and skating rinks.
 - vi. Accessory restaurants, personal and business service uses that are intended to primarily serve the occupants and patrons of the principal use; provided that, any such uses shall be an incidental use. Permitted accessory restaurant and service uses shall be limited to the following:
 - 1. Personal and business service establishments as identified in Table 7.02 that are intended to serve workers and visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, and similar establishments.
 - 2. Restaurants, cafeterias, and other places serving food and beverages which are permitted by right in the NSD.

- c. Compatible Uses: A land use which is not cited by name as a permitted or special land use may be permitted upon determination by the Township Board, following a recommendation by the Planning Commission that such use is clearly similar in nature and has the same character and intensity as those uses listed in this district as either principal permitted uses or special land uses. In making such a determination, all of the following shall be considered:
 - i. Specific characteristics of the use in question shall be compared with the characteristics of the uses which are permitted. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods produced, methods of operation, impacts from noise, air contaminants, odor, heat, fire hazards, and water contaminants, and building and site characteristics.
 - ii. The proposed use shall be compatible and in accordance with the goals, objectives and policies of the Genoa Township Master Plan and promote the intent of the development agreement and Section 10.03.06.
 - iii. The land use shall not impair the use and development of other nearby properties.
 - iv. If a proposed use is determined to be similar to and compatible with uses in the district the Planning Commission shall decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in the district.

 - d. Required conditions. Except as otherwise noted, buildings and uses in the CAPUD shall comply with the following requirements:
 - i. All uses and business activities shall comply with the use conditions of 7.02.02, 8.02.02, and the performance standards in article 13.05.
 - ii. All business activity shall be conducted within a completely enclosed building, unless otherwise specified. Outdoor storage shall be prohibited.
 - iii. Any indoor storage must be clearly accessory to the principal permitted use.
 - iv. Notwithstanding the limitations on outside storage, commercially used or licensed vehicles used in the normal operation of a permitted use may be parked on the site in the rear only.
- (d) Dimensional Standards: All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the Industrial District, Section 8.03.01 for the CAPUD and the Regional Commercial District, Section 7.03.01 for the ICPUD as specified in the Table of Dimensional Standards, along the exterior boundaries of the site. Internal setbacks and maximum building height shall be determined by the Planning

Commission during review of the PUD concept plan. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the dimensional requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

- (e) Site Design. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 e above.
- (f) Architecture. All Interchange PUD proposals shall comply with the standards of Section 10.03.05 f above. The Planning Commission may allow for alternative innovative high quality exterior façade materials such as fiber cement and metal panels for buildings in the CAPUD district to create a research and office-park environment provided that the materials proposed to be used are found by the Planning Commission to be in keeping with the intent and purpose of this Section, in consideration of the character of surrounding uses and the design recommendations of the master plan.
- (g) Access Management and Connectivity.

(1) ICPUD:

- a. No access points other than Beck Road are permitted along South Latson Road between the interchange and the rail line.
- b. Development shall incorporate shared access points to limit the number of driveways along Beck Road and shall comply with Section 15.06 Access Management.
- c. Acceptable road levels of service (LOS) shall be maintained by careful access management strategies and road improvements.
- d. Sites shall be designed to incorporate cross-access easements and connectivity for vehicular, bicycle, and foot traffic.

(2) CAPUD:

- a. The primary access to the area west of South Latson Road, south of the railroad, shall be aligned with Sweet Road.
- b. Secondary access points shall be limited and/or restricted. Restricted driveways shall be designed to be intuitive with minimal signage. All access points shall be aligned with access points across the road and shall be separated from other intersections and access points on the same side of the road by at least 500 feet.
- c. Sites shall be designed to incorporate frontage roads, service roads, and cross-access easements to allow connectivity for vehicular, bicycle, and foot traffic. The use of landscaped boulevards is encouraged.

- (h) Utilities. The Concept Plan shall include a Utility Master Plan, based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection

points to existing utilities, and adjacent properties where appropriate and concepts for the layout, size, and phasing of utilities, which shall include water, sanitary sewer and stormwater controls.

- (i) Future Transition Area. Appropriately timed incremental southward expansion of the CAPUD is anticipated. Evaluation factors for expansion include the following considerations:
 - (1) The amount and capacity of undeveloped land remaining within the growth framework areas shall be analyzed and a determination shall be made that additional land area is needed to justify expanding boundaries.
 - (2) Projected population growth within the Township and demand for additional land areas for development.
 - (3) Present and planned sanitary sewer capacity.
 - (4) The capacity and condition of the road system.
 - (5) The ability of the Township, County and other public agencies to provide necessary services to the new growth areas and the additional resulting population.
 - (6) Impact on public health, safety and welfare.
 - (7) Changes to conditions considered at the time of the subarea plan.
 - (8) Inclusion of integrated open space for active and passive recreation.
 - (9) Environmental constraints and sensitivity.
 - (10) Adverse impact to adjacent or nearby property.
 - (11) Sensitive transitions to residential and agricultural land can be achieved.
 - (12) Other relevant criteria deemed appropriate by the Township.

(as amended 09/04/18)

Sec. 10.04 APPLICATION AND REVIEW PROCEDURE

10.04.01 Process for rezoning to appropriate PUD designation, Conceptual PUD Plan, Environmental Impact Statement and PUD Agreement.

- (a) An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- (b) The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to the appropriate PUD designation. The application shall include all

Conceptual Submittal items listed in Section 10.05 and shall be submitted in accordance with the procedures and requirements set by resolution of the Township Board.

- (c) The Planning Commission shall review the rezoning request, the Conceptual PUD Site Plan, the Impact Statement and PUD Agreement, conduct a public hearing, and make a recommendation to the Township Board and Livingston County Planning Commission based on the review standards of Section 10.07. Notice of public hearing shall be provided for in accordance with section 21.05.
- (d) Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County Planning Commission shall conduct a public hearing on the requested PUD rezoning and make a recommendation for approval or denial to the Township Board.
- (e) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
- (f) Within ninety (90) days following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall conduct a public hearing on the requested PUD rezoning, Conceptual PUD Site Plan and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. Notice of public hearing shall be provided for in accordance with section 21.05. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 12/31/06)

10.04.02 **Expiration:** Approval of the Conceptual PUD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final PUD Site Plan approval is not requested within this time period, resubmittal of a new PUD concept plan and application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

10.04.03 **Process for Final PUD Site Plan(s)**

- (a) The applicant shall submit the required copies of all necessary information meeting the requirements of Section 10.06 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. If the PUD involves a platted subdivision, the Final Site Plan may be processed concurrently as a Preliminary Plat.
- (b) Upon submission of all required materials and fees, the Planning Commission shall review the Final PUD Plan, the Impact Statement, and PUD Agreement and make a recommendation to the Township Board based on the review standards of Section 10.08.
- (c) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.

- (d) Within ninety (90) days following receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing on the requested Final PUD Plan, the Environmental Impact Statement, and PUD Agreement and either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator, and Township consultants if appropriate. (as amended 3/5/10)
- (e) If the Final PUD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator for approval prior to the issuance of any building permits.

Sec 10.05 CONCEPTUAL SUBMITTAL REQUIREMENTS

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. The required number of copies of each of the following items shall be submitted by the applicant or as required by the Township:

- 10.05.01 Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- 10.05.02 A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal.
- 10.05.03 An Impact Assessment meeting the requirements of Article 18. A traffic impact study may be required at the discretion of the Township or as otherwise stated in this ordinance which meets the requirements of Article 18.
- 10.05.04 A complete PUD Agreement for review which shall:
 - (a) Set forth the conditions upon which the approval is based, with reference to the approved Site Plan or Plat Plan and Impact Statement and a description of all deviations from Township regulations that have been requested and approved.
 - (b) When open space or common areas are indicated in the PUD plan for use by the residents, the open space or common areas shall be conveyed in fee, placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.
 - (c) Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
 - (d) Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.
 - (e) Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the PUD project through construction by the developer, bonds or other

satisfactory means, for any and all phases of the PUD. In the case of phased PUD's this requirement shall be reviewed at the time of any final site plan approval.

- (f) Address any other concerns of the Township regarding construction and maintenance.
- 10.05.05 Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer's scale.
- 10.05.06 Cover Sheet providing:
- (a) the applicant's name;
 - (b) the name of the development;
 - (c) the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
 - (d) date of preparation and any revisions;
 - (e) north arrow;
 - (f) property lines and dimensions;
 - (g) complete and current legal description and size of property in acres;
 - (h) small location sketch of the subject site and area within one-half mile; and scale;
 - (i) zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site;
 - (j) lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;
 - (k) location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
- 10.05.07 A Plan Sheet(s) labeled Existing Site Conditions, including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the Impact Statement.
- 10.05.08 For projects with a residential component, a concept plan that illustrates how the site could be practically developed under current zoning standards. This drawing may be used to determine the base density of the project.
- 10.05.09 A Conceptual PUD Site Plan Sheet including:

- (a) Conceptual layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Calculations of the size of uses to confirm compliance with Section 10.03.04 for the Non-residential PUD option.

Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and MDNR regulated wetlands.

- (b) Building setbacks and spacing.
- (c) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as “areas not to be disturbed” in development of the PUD.
- (d) A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
- (e) Calculations to demonstrate compliance with minimum open space requirements shall be provided.
- (f) Preliminary architectural design information shall be provided to the satisfaction of the Township.
- (g) If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
- (h) A Utility Master Plan shall be required based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.

Sec. 10.06 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS

The final submittal shall include the required number of copies of each of the following items:

- (a) All materials required by Article 18, Site Plan Review, including an Impact Statement and Traffic Impact Statement as required.
- (b) A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.
- (c) A final copy of the approved PUD Agreement that meets the requirements outlined in Section 10.05.04.

- (d) Non-Residential Projects: Additional information required for a complete review under the standards of Section 10.03.04.
- (e) Any other additional information deemed appropriate by the Township.

Sec. 10.07 STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN

10.07.01 **Standards for Approval.** Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.

- (a) The planned unit development meets the qualification requirements.
- (b) The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (c) The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.
- (d) Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
- (e) Public water and sewer facilities are available or shall be provided for by the developer as part of the site development. The Planning Commission may approve an RPUD without public water and sewer, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.
- (f) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with the Township Subdivision Control Ordinance, Livingston County Road Commission standards and the private road regulations of Article 15, as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.
- (g) Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
- (h) Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

- 10.07.02 **Conditions.** The Township Board may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.

Sec. 10.08 FINAL PUD SITE PLAN APPROVAL STANDARDS

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or approval with conditions, and the Township Board may deny, approve with conditions the proposed planned unit development.

- 10.08.01 **Consistency with Preliminary PUD.** The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Conceptual PUD Plan, PUD Agreement and associated documents and any conditions required by the Township.
- 10.08.02 **Final Site Plan Review.** The Final PUD Plan and associated documents shall be reviewed in accordance with Article 18 Site Plan Review, Township Subdivision Regulations, Township Condominium Ordinance and any other applicable regulatory document.
- 10.08.03 **Non-residential.** Non-residential PUD projects shall be reviewed for compliance with the standards set forth in Section 10.03.04.
- 10.08.04 **Conditions.** The Township may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Unit Development will be capable of accommodating increased service and facility loads caused by the Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.
- 10.08.05 **Phases.** For a PUD that is being developed in phases, final site plan approval for each phase shall be conditioned upon continued compliance of all phases with the Conceptual PUD Plan and PUD Agreement, as may be amended by the Township. The Township Board may postpone the approval of any final site plan for subsequent phases until previously approved phases of the PUD are brought into compliance with the requirements of the Conceptual PUD Plan and PUD Agreement.

Sec. 10.09 SCHEDULE OF CONSTRUCTION

- 10.09.02 **Construction.** Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
- 10.09.04 **Residential Phasing.** In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures

designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

Sec. 10.10 APPEALS AND VIOLATIONS

10.10.01 **Zoning Board of Appeals:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Genoa Township Zoning Ordinance following final approval of the PUD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a PUD concept, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the PUD site plan, written PUD agreement or the requirements of this article.

10.10.02 **Violations:** A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.

Sec. 10.11 AMENDMENTS AND DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN

10.11.01 **Deviations following approval:** Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.

10.11.02 **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.

10.11.03 **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.

- (a) For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
- (b) Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
- (c) Floor plans may be changed if consistent with the character of the use.
- (d) Horizontal and/or vertical elevations may be altered by up to five percent (5%).
- (e) Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
- (f) Designated "Areas not to be disturbed" may be increased.

- (g) Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
- (h) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- (i) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
- (j) Slight modification of sign placement or reduction of size.
- (k) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
- (l) Changes required or requested by the Township, County or state for safety reasons.

10.11.04 **Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final PUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD Site Plan significantly alter the intent of the Conceptual PUD Site Plan, a revised conceptual PUD Site Plan shall be submitted according to the procedures outlined in Section 10.04 illustrating the modification shall be required.